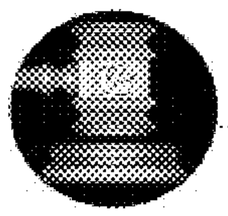
Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury

Date: August 20, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

AUGUST 20, 2014

VOLUME I

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IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

21ST JUDICIAL CIRCUIT

STATE OF MISSOURI,

vs.

DARREN WILSON,

The following is a transcript of the Grand Jury proceedings, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 20th day of August, 2014, before

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APPEARANCES OF COUNSEL:

FOR THE STATE:

Mr. Robert McCulloch, Ms. Kathi Alizadeh and Ms. Sheila Whirley

Prosecuting Attorney's Office

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

(314) 615-2600

INTRODUCTION

MR. MCCULLOCH: Thank you. I'm Bob McCulloch, the Prosecutor, for the record. I want to talk to you a little bit about this. As you are well aware of what we are here about and that is the shooting death of Michael Brown.

I want to tell you how this is going to proceed. Obviously, it is going to be different from a lot of the other cases that you've heard, that you've heard during your term.

First things first. Let me introduce, I say a lot of this you already know. These two ladies, for the record, Kathi Alizadeh, Shelia Whirley, they will be the primary, if not the exclusive attorneys working in the grand jury on this case.

Obviously, I hope, obviously, there be a lot of other people working on things outside of us getting it ready for the presentation that will be made by Kathi and/or Sheila.

Kathi was the prosecutor I have on call for the month of August for all homicide calls. So she received the call about this shooting within minutes of the time the County Police were notified by the Ferguson Police. So she has been working

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with the police and lots of other things on this since the very beginning.

My procedure is always that I have a prosecutor on call solely for homicide cases and they stay with that case from start to finish, whatever that ultimately may be.

Sheila, as you know, has been assigned to the grand jury for this term and so she will continue with this grand jury on this case for as long as it does take.

There are a few things I do want to go over, first and foremost, to tell you that this is the first, last and probably the only time I think that you will see me in relation to this case. Certainly in the grand jury. Everything that we do, everything that you do, will be recorded with the court reporter, who is under the same oath, essentially, as all the witnesses.

As I said, Kathi and Sheila will be the primary attorneys, the attorneys responsible for presenting everything to the grand jury.

Really, I'm going to go over just a few things to make sure that we have kind of the ground rules, but the procedure covered.

As you know, your term ends on the 10th of

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September. You also have dockets, there is no docket next week, but on the 3rd and 10th, we have dockets. Those dockets will be adjusted, but they won't be canceled. But they will be adjusted to accommodate whatever time that we need for presentations on this case.

This case is still in the middle of an investigation, there is a lot going on and certainly you are well aware of what's going on in the evenings and during the day and even out in front of the courthouse here on occasions.

So there is a lot that is still going on with the officers gathering the evidence, evidence is being tested, being evaluated. I say evaluated, it is being looked at, firearms evidence, the firearms people are looking at that, DNA evidence, the DNA are examining that.

In addition, the federal government, U.S. Department of Justice, is doing a parallel, but an independent investigation of the same thing.

So a lot of, actually everything pretty much that the County Police or any other state or local department is doing is being replicated by the U.S. Attorney, by the FBI, or by the Justice Department, they are all part of the Justice

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Department.

As that is going back and forth and there is some witnesses they will be talking to that the County Police may not necessarily be talking to. Some that the County had talked to that they haven't or won't talk to. And so, but all of that will be traded. We're giving them all the statements we have, they are passing statements and any other information that they have on this matter back to us.

So it is still independent of one another, but sharing the information because what is significant to this case is also significant to theirs. They are looking at different possibilities.

The federal government and the state government are not the same. We have these criminal charges, they look at potential civil rights violations, but for the same conduct that we are looking at for any potential criminal violations.

So that may add a little bit, a little bit of a delay. I really don't want to say a delay, but kind of giving things to you out of order here somewhat. Like a trial, lots of information is going to come to you and it is going to come out of

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chronological order. We will kind of go through that just as a schedule. The schedule is just that.

There will be time if we have a particular area, just for example, the DNA evidence. If that is available or when that is available and all of it is available, not just part of it, we will have the time that is in the next two weeks to present that to you all at once. If it is a number of witness statements, we will present all of those to you. We will have it all organized and bring it in.

By the time everything is finished, you will have heard everything, you will have every statement, there will be as many witnesses to come in and testify.

If they made statements, you will not only get the statements they made, whether they are to police, FBI, or television or on the internet or anything else. If we've got those statements, you will have those statements. You will also have the witness who will come in and testify as to that.

Some certainly might be they are just statements that are floating around on the internet and nobody knows who is making that statement, but everybody is doing that and the FBI is doing what they can to locate any of those or the source of

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them.

So the schedule though after September 10th, your term is extended, and the only matter that you will hear anything on will be this Michael Brown case, the Michael Brown shooting. All you get is that so you won't have the docket. There will be another grand jury that starts the week after that who will be doing what you have been doing for the past four months.

By the way, greatly appreciate your service on that. I don't want to lose that in the message here. You have done a great job, a great service for the people of this county.

But the schedule will then, it is as flexible as flexible can be. It is the only matter that you have and so there is no requirement that you meet on Wednesdays. So whenever all 12 people are available, because all the evidence will be presented to all 12, so we get all 12 of you together, we will work with everybody's schedule.

Obviously, we want to be as expeditious as possible, but not rush through it. If that means we are meeting four hours in the morning and whatever works is what we are going to do. Saturdays, evenings, however it works for everybody's schedule,

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and as long as you get it. If all 12 of you have an entire day, we will have an entire day.

If you have four hours sometime, we will work all of that out, but we will work, obviously, around your schedules and you know how that's been. It is a little easier, I suppose, when you could tell family and employers and the like every Wednesday you had to be gone. So this will be a little different, so we will have to coordinate all of that.

Also, not necessarily a requirement, we do want to meet here, but there is no requirement of that. If it turns out to be a Wednesday, then we'll figure out something on that.

Everything will be recorded. Starting with the oath by the court reporter and everything that I'm saying now and everything that anybody says, whether it is a witness, whether it is one of the attorneys, or one of the jurors, will be recorded as we are going along.

The value in the court reporter is that we're getting at least a rough transcript as we are going along. So that will, we won't have to wait six months for all of these tapes to be typed up if we did it in some other fashion.

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The other is that the questions, you know, unlike a trial jury, you know, you can and have been discussing what you've heard on perhaps between witnesses or during breaks and the like. Remind you that's part of your deliberation and so none of that happens while there is anybody else in the room and that includes, of course, the attorney and the court reporter.

At the end of every witness, the reporter will make an announcement that essentially he is going to finalize the disc. For every witness who testifies and every session of their testimony, there will be a separate disc made so that when he finalizes that, what it does is it finalizes the disc.

After that, it can't be altered, nothing can be added, nothing can be deleted. And so if that witness comes back at some other time, there will be a separate disc for that and we will do the same. We will do that with every person who comes in and testifies.

You will have presented to you every bit of evidence from the photos, from the scene of the shooting, diagrams of that, the physical evidence that was seized at the time, at the location, the

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DNA evidence, anything and everything that pertains to this case will be presented to the grand jury. It will all be available to you for your review as it is coming in.

Sheila, primarily, will be at least getting things started in terms of asking the witness questions, much as you've seen her for the whole summer doing that.

Jurors, and you're experienced enough now that you can ask whatever questions you want to ask. Any item, anything you want to ask any witness, absolutely ask that information.

If something occurs to you sometime after that witness is gone, we will get the witness back at some point and ask those questions again. If somebody else says something, you need to clarify it, we will get witnesses back to do whatever it is that you need done.

The one thing we can't do in terms of questions, let me back up a little bit on that while we are talking about the records on that.

Just remember that it is going to take a few minutes to finalize this disc once that witness is finished testifying. So if you have discussion, you want to talk or ask each other questions,

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anything at all about that, make sure you wait long enough that that is finalized and they understand is out of here and the attorneys out of here. They will stick around long enough to remind you of that, wait until everybody is gone before you talk about it because that's, that's not something that anybody but the jurors hear.

If you have a question about procedure, the attorneys will answer that. Who is coming in next, you know, we are taking a break now or can we take a break now, anything along the procedure the attorneys will certainly answer that.

If you have a question about what a witness said or what is going on or did this witness say this, they're not going to answer those questions. If anything, we will get the witness back to answer any more questions that you asked, but we are not going to answer those questions.

Just a couple other things. I assume the judge talked to you this morning, of course, about your oath, of course, both very similar to what just took, whatever the witness will take, that these are confidential proceedings, that nothing leaves this room unless and until ordered by the court or some other legal method. I will talk

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about those in just a second.

The other is the confidentiality and the oath and the anonymity. You are anonymous. You are protected by law from all, your names are not public, your addresses, no information about you is public.

There may be some, the demographics of it, I think that is information that can be passed out in terms of, you know, race, gender.

MS. ALIZADEH: Age.

MR. MCCULLOCH: I won't say the age. The general location that we have. Say, I don't know, three grand jurors who live in municipalities and 12 who live in unincorporated or nine live in unincorporated. We have X number who are outside of the 270 loop, X number inside. So many above 70, below 70, all of that demographic information, but nothing that would, anybody would ever be able to identify any individual from just that no matter how they try to put it together.

And that is, I just want to share, that's protected by law that's been litigated and those names, the information does not get released.

So the other is with the parking. We are trying to arrange the parking very similar to what

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we had today so that you are inside. Once we're past September 10th, you are meeting on a different schedule, on your schedule, that makes things a lot easier because, you know, everybody knows that the grand jury meets on Wednesday.

So if you are meeting some other day, you know, there may be media around, but the good thing about construction going on next door is we can kind of work around the visibility of it, particularly with the parking that we had. We will have all of that arranged.

And the media, you know, the media kind of comes and goes around here. I did a number of interviews with local people today for a couple reasons, one is to get it all out of the way. So we're finished with, for the most part, with any kind of interviews with that.

I can't control whether anybody shows up outside and just hangs outside the doors and all of that. If there is a protest scheduled or the media is going to be here. We will work with that again. We will know who is there and what's there and all of that. If need be, get you in and get you out of the building without worrying about any of that.

The only other thing I'd say when you are

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coming in, don't wear the grand jury badge and that will, won't tip anybody off that you are on the grand jury, we will have all of that stuff.

Am I missing anything?

MS. WHIRLEY: Note taking.

MR. MCCULLOCH: Oh, you are right. Note taking. You take, as you know, all the notes that you want. Write down anything and everything. If a thought occurs to you, you want to talk to the witness, take all the notes that you want. The notes, of course, can't leave here. They are your notes and your notes alone.

Fellow grand jurors won't see your notes and you won't see their notes. At the end of the day or end of the session, the notes will be collected and they will be secured. Any evidence that is presented to you, physical evidence, of course, also will be collected and it will be secured. We have highly secure evidence lockers within the complex here. All of that will be that.

At the end of that, you can use your notes for any deliberation when everything is finished. At the end, just so you know, there are going to be massive amounts of information and physical items that are coming here in the next month. You're not

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going to remember everything. The witness today testifies, you're not going to remember that a month from now, but all of that and the transcripts will all be available and you'll have as long as you need, as long as you want to go through everything again before you start your deliberations. While you are doing deliberations, all of that is available.

Unlike a trial jury where you have to send a note out to the judge and the judge would decide if you get something or you don't get something, that rule doesn't apply here. Everything will be here in the room with you and you will have access to all of it. You, of course, have access to your notes throughout all of that.

At the end of all of that, you won't have access to those notes, is that it?

MS. ALIZADEH: I want to say that what Bob said, everything is going to be recorded in this room while we're presenting this case. That, of course, doesn't include your deliberations, those will not be recorded. And when we have juries who are hearing evidence in trial, typically the jury, not typically, always the jury is told prior to trial to keep an open mind throughout the entire

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process, don't form any opinions until you've heard all of the evidence.

There's no requirement that you all can't talk about things amongst yourselves. So if there is something that you all talk about and decide, we would like to hear from this person or you have a question about us bringing another witness in, you all can discuss that amongst yourselves so long as you are not deliberating and starting to form opinions until you have heard everything, okay.

So there will be times for you all when there is no recording going on, where you all can discuss your schedule, you know, when we might meet again, and if there's any questions that you have that you want us to try to provide the answer for.

Again, as Bob said, Sheila and I can't answer other than just procedural things or questions of law. But if there is some question that you have, if we can find somebody who can answer that question for you, we will do so, we'll try to bring somebody in to answer those questions, okay?

MR. MCCULLOCH: I'm glad she said it. You do need, and I know you will keep an open mind on everything. You haven't heard a single thing yet

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other than what has been in the media, believe me that's not evidence. Don't form any opinion on anything that you've heard, good, bad or ugly in the media.

Everything that's been collected, every statement that has ever been made, it will all be here for you. You need to keep that open mind to give everybody, including the entire community, a full and as open as it can be, but certainly as thorough and as expedient of all the evidence that you can.

I know people keep talking about the transparency, at the end of all of this, depending on your determination, as other cases, if there are charges that you find should be lodged and are lodged, then all of that information will come out pursuant to the course of the case. There are rules that apply then as to how things are handled and all of that. It doesn't come out right away because you can't prejudice a potential jury panel. So all of that evidence, just like here, is presented to a trial jury in the courtroom and not put out in the media. So everybody can see it and then make their mind up before they ever come into a courtroom.

If your determination is that there are no

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charges to be filed, then everything will be released immediately or as close to immediately as we can get, and that's everything. Your deliberations aren't, as I said, your deliberations are not recorded and never will be recorded, notes won't be released, but every bit of evidence that you have, the testimony of the witnesses who come in, the statements of the witnesses, the physical evidence, the photographs, everything that you have seen and heard will be released to the public. That is as transparent as we can get short of putting a pool TV camera in here and that's not going to happen.

It is, obviously, an awesome burden, but it is going to be an awful lot of work and we will make it as orderly and organized as we can to you.

As I said, if there is anything at all that we can do to do that, working with your schedules, work longer, we have no set hours. So whatever it takes, we will get that to you. We don't want to rush through anything, but we also don't want to drag it out.

I'm anticipating, in all honesty, without basing it on a whole lot, that we hope to have this completed by the middle of October. It doesn't mean

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every day that you will be here from September 10th until then, but the more days we can have some session, the more expedient this will get out there and that's important to everybody, of course.

The most important thing that you get all the information and all of the evidence and make your determination on that.

Any questions now, procedure that I can answer?

Alternate jurors, do we have them?

MR. MCCULLOCH: We are in the hope that all 12 of you are perfect, healthy specimens, who have no plans to leave town or go on vacation for two months. All 12 will hear everything and the only way we have alternates is to have them in here at the time and we do that at a trial, but here it is just, it doesn't work in the grand jury. So we have all 12 when we can get all 12 of you together.

If we can only get 11 together, we are going to have to find a different time. I hope everybody can be as flexible as possible, and again, we will be as flexible as possible. We have no set hours. Every day is Monday, weekends, whatever works for you is when we are going to be here.

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Morning, noon or night, or any day.

Thank you. As I said, this is probably the last time you will see me. I can't imagine what it would be unless there is something that came up that you wanted to see me, so thanks.

MS. ALIZADEH: As Bob said, Sheila and I are both going to be presenting this case to you and there may be times where I know Sheila has a case set for trial next week and it might just be, of course, we don't have next week. There might be days where you are only go to see me, only go to see Sheila, we are trying to split up the work as much as we can just to make it easier for the both of us, but there is no, don't read into anything about why is Sheila only having this witness or Kathi is presenting this witness because we are just trying to split it up.

And so on days when Sheila might be presenting somebody, if I can be, I will also be here in the room, but I won't be commenting, I won't be asking any questions, it will be Sheila presenting, and the same thing on a day where I might be presenting a witness, Sheila may be here, but it is just for our benefit. We both want to see as much and as hear as much as we can, but there

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might be times when we are not available.

MR. MCCULLOCH: Good thing about being the boss is I have a lot of flexibility in adjusting their schedules, so that will happen, but we will keep that to a minimum because we want to, in addition to all 12 of you hearing here, and the two of them here as much as possible. You will hear everything, they will hopefully hear everything.

MS. WHIRLEY: I am Sheila Whirley. Present in the room is Kathi Alizadeh and the witness, is with the Medical Examiner's Office. He is the investigator, he is going to take the oath in a minute and also present are Jurors 1 through 12.

would you approach to take the oath?

THE WITNESS: Yes, ma'am.

MS. WHIRLEY: And, of course, the court reporter, is here.

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

MS. WHIRLEY: This proceeding involves the shooting of Michael Brown.

BY MS. WHIRLEY:

Q All right. you've stated your name. What is your occupation?

A Medical legal investigator.

Q And where are you employed?

A The St. Louis County Medical Examiner's Office.

Q How long?

A Approximately 25 years.

Q Now, what does a medical investigator do?

A We investigate the deaths that occur in St. Louis County.

Q You investigate deaths that occur in St. Louis County?

A Correct.

Q Do you require any special training for

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your job? Let me rephrase that, have you had any training?

A Yes, I have on-the-job training and courses that we take.

Q What kind of courses do you take?

A There is a medical legal death investigating courses, approximately last all week and --

Q So about 40 hours?

A 40 hours.

Q What kind of things are you taught?

A Just how to investigate, what to look for, what changes in the body after death.

Q You have been doing this for 25 years?

A Yes, ma'am.

Q Okay. What kind of schedule do you work now?

A I work 32 hours a week.

Q And do you work throughout the week or weekends?

A Just weekends.

Q Only weekends?

A Yes, ma'am.

Q So how many hours, you said 32, so 16 on Saturday?

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A 16 on Saturday and 16 on Sunday.
Q And you were called this particular Saturday?
A Correct.
Q What was the date of the occurrence?
A I'm not sure.
Q I'm going to give you what's marked for purposes of identification State's Exhibit Number 1. And you can refer to this through this proceeding if you need to tell me what the date was?
A It was the 9th.
Q Okay. The 9th of?
A August.
Q Okay. And I want to talk a little bit more about your background before we get into the crux of this.
A Yes, ma'am.
Q What is the purpose of a medical investigator at a Medical Examiner's Office, why have you?
A We are the eyes and ears of our pathologist. The person who is conducting the autopsy. They don't go to the scenes, we go to the scenes for them.
Q Okay.

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A And bring back information for them so they can properly do the autopsy.

Q I see. When you go to the scene, do you have any special tools that you take with you?

A We have cameras and things to establish the time of death, and other equipment that we collect evidence.

Q Okay. So tell us what a medical examiner does once, well, first of all, how do you get the call?

A Usually a police officer or hospital or paramedic will call us and let us know there is a deceased person.

Q Do you have a certain timeframe that you must follow? I know the person is always deceased by the time you are called, correct?

A Correct.

Q Are there some time parameters when you need to arrive to the scene?

A No, ma'am.

Q Okay. So you go by yourself?

A Yes, ma'am.

Q Okay. Do you call anyone to come?

A We do have a delivery service that we call.

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Q What is a delivery service?
A Delivery service is the person who picks up the body.
Q Do you call the delivery service when you get the call?
A Correct.
Q Once you get there?
A No, once I get the call, I call them to let them know what is going on, where it is at.
Q They meet you there?
A Right.
Q So at the scene once you arrive, what do you do? Like take us through an investigation.
A I try to meet the reporting officer, speak to him, find out what happened. They go and look at the body and see if everything is consistent with what he told me or whatever witnesses told him, and then I come back and I would talk to the family or one of the witnesses if they were there.
Q So when you talk to people, it is not necessarily the people who directly saw the incident?
A Correct.
Q You are getting kind of hearsay information?

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A Yes, ma'am.
Q And you don't necessarily see what is occurring yourself any of these times?
A Correct.
Q By the time you get there, it has happened?
A After the fact, correct.
Q Why do you talk to the officers?
A Because the first responding officer makes contact with the person who called the police to find out what's going on.
Q Why do you need to know what's going on. I mean, there is a deceased body, why do you need to know more?
A To see if the story is consistent with his death, as opposed to suicide or a homicide, just trying to establish a timeline.
Q But you are not the one who makes the call as to what the cause of death is?
A Correct.
Q Or the manner of death?
A Correct.
Q Or whether or not it is a homicide or a suicide, you don't make that call?
A Correct.

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Q You just gather it for the pathologist?
A Yes, ma'am.
Q All right. Do you write a report?
A Yes, ma'am.
Q Okay. How long generally does your investigation take?
A It can take anywhere from several minutes to an hour or two.
Q Okay. And what's included in your report?
A My initial contact with the reporting officer, the reporting person, the location, what I saw when I got there, the condition of the body, and a paragraph or two on witness statements.
Q Who is your supervisor, who do you report to?
A Chief Investigator
Q Who would approve your report, is that the same person?
A He would.
Q All right. Do you generally take photographs?
A Yes.
Q Okay. And let's talk specifically about the case involving the shooting of Michael Brown. Did you take photographs?

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A No, ma'am.
Q Why not?
A My battery in my camera died.
Q Were photographs being taken?
A Yes, ma'am.
Q By whom?
A St. Louis County Police Department.
Q Like their identification unit?
A Their identification unit, correct.
Q You saw them taking photographs?
A Yes, ma'am.
Q Do you have access to those photographs?
A If we need them, we can get them.
Q Is that something you would want, photographs?
A Sometimes the pathologist asks for them.
Q Okay. Do you know if they were asked for in this case?
A I don't know.
Q Okay. I thought I heard you say, or if you didn't, let me ask the question, did you take measurements of anything?
A Yes, we can if we need to, yes.
Q Did you in this case?
A No, ma'am.

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Q Because you didn't need to?
A Correct.
Q Why not?
A I got there, it was self-explanatory what happened. Somebody shot somebody. There was no question as to any distances or anything of that nature at the time I was there.
Q Okay. And if it turns out there was some concern about the distances, that's not something that you would be qualified to tell us about?
A If I took the measurements I could tell you about them.
Q What kind of distances when you say distance?
A Like for the Brown case?
Q Uh-huh.
A Maybe like if he was close enough to leave stippling on his clothing, things of that nature.
Q So you didn't take any measurements though?
A Correct, I didn't see no stippling, no indication how close he actually was going to be.
Q Did you look for stippling?
A Yes, ma'am.
Q Where did you look for it at?

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A Around the wounds.
Q Wounds?
A Yes.
Q When you say stippling, what is stippling?
A It is gunpowder, burning of the gun powder.
Q You say you looked for it around his wounds?
A Correct.
Q And what did you see?
A I didn't see any.
Q Okay. So this occurred on, tell us the date again?
A Uh --
Q I'm sorry?
A The 9th.
Q The 9th of?
A August.
Q Of August?
A August 9th.
Q What time were you told this occurred?
A Our office got the initial call at 1:30.
Q Did you get information that it occurred earlier than 1:30?
A Yes, ma'am.

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Q What time is that?
A Around noon time.
Q Okay. So it occurred around noon time. You get the call around 1:30?
A Correct.
Q And the call comes from St. Louis County?
A Yes, ma'am.
Q Do you know who called?
A Sergeant.
Q Or whom?
A
Q Did you talk to that person?
A No, I didn't.
Q So someone gave you the assignment?
A Correct. No wait, I'm sorry, I did talk to him.
Q You did?
A Yeah, the initial call came into our on duty investigator, he gave me the information and I called the sergeant.
Q What did you call him for?
A To set up a time when they need me, when to actually be out there.
Q Okay.
A Go ahead.

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Q Why did you need to set up a time?

A Because other officers are responding to the scene, St. Louis County detectives, their ID unit, that may take anywhere from 30 minutes to several hours before I could actually get in and actually see the body.

Q So you don't want to be there when they are doing their thing?

A Correct.

Q Okay. And so you were called at 1:30. And what time did you arrive?

A Approximately 1430, 2:30.

Q That's 2:30. In about an hour. Is there any reason why it took you an hour to arrive?

A No, ma'am, just waited. I called them about 2:15, they said they were showing up, the ID people were there showing up. So I went ahead and responded to the scene.

Q You were giving them time to do what they needed to do?

A Correct.

Q So describe the scene to us when you arrived. I mean, like were there a lot of people out?

A It was an apartment complex where crime

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scene tape up, and a crowd has gathered, quite a few people there. He was deceased, was laying in the middle of the street. There was already some orange barriers around him to keep the crowd from seeing him.

Q Was the crowd saying anything?

A They were just, I don't know how to explain it. I guess voicing their concerns at what is going on, why is this taking so long, things of that nature.

Q Why is it taking so long?

A Correct.

Q And you could discern what they were saying?

A I hear them, but I don't listen.

Q But you did know they were asking why it's taking so long?

A Yes.

Q Do you know what that meant?

A I assume the body was laying out there too long, they didn't like the body being out there.

Q When you arrived, tell us what it looked like, the body, was it covered, uncovered?

A He was covered with several white sheets laying in the prone position.

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Q Prone means?

A Face down. There is a double yellow line, I guess it is east and west traffic, he was right in the middle of the roadway.

Q Okay. What did you do?

A When I was able to go to the body?

Q Yes.

A I went over there with the police officers, the ID officers, we removed the sheets, took photographs of his back, lifted up the shirt, took more photographs. Then we rolled him over, I placed white clean sheets down on the ground and rolled him over onto those. Took more photographs, documented the injuries, looked through his pockets, looked through his pants for any weapons or anything of that nature.

And then got some clean paper bags, placed them on his hands and then we put him back on the sheet and into a white bag and sealed it up.

Q How long were you on the scene?

A Probably a couple hours.

Q And when you left, the body left, the deceased left; is that right?

A Correct.

Q You --

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A I was actually with the body for about 15, 20 minutes by the time I was waiting to get to the body.

Q You were there, you think, a total of a couple hours?

A Correct.

Q Did you talk to any of the bystanders or people that were not police officers?

A Just his grandmother.

Q Tell us about that.

A I was walking back to my vehicle to make some phone calls and a lady came up and she asked me if I was a medical examiner, I told her I was. She asked me why the body was still on the street, why is it taking so long.

I explained to her, you know, it takes a thorough investigation and crowd control, just getting everybody into the scene was taking time to do that and once everybody is here, we can get our information that we need and the evidence collected and then we can be out of here. Once everything starts, it doesn't take long.

Q Okay.

A She seemed to be fine with that, and she said she is going to walk around the crowd and try

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to get people to move back.

Q She did?

A Yes, ma'am.

Q She was very pleasant --

A Yes, ma'am.

Q -- with you? Did you notice his mother there?

A The officer pointed his mother out in the crowd.

Q Did you have any conversation with her?

A No, ma'am.

Q Did she do anything or say anything that you overheard?

A Not really, just crying hysterically and oh, my God, and stuff like that.

Q Was there anything about his tattoo?

A There was an officer stated that she said he had a tattoo on his arm, Big Mike, that is one of the things we need to do is get him identified.

I actually didn't know if she actually walked over there and actually seen him, or she just knows that's him and explained the tattoo. When we rolled him over, we saw the tattoo and knew it was him.

Q You overheard, or an officer told you that

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that's what she said?
A Correct.
Q That he had a tattoo Big Mike?
A Correct.
Q Then you verified the tattoo?
A Correct. We can use tattoos for identification in our office.
Q Now, when you said you rolled over the body and you checked the body for injuries and photos were taken, you didn't take those photos, you know photos were taken?
A Yes, ma'am.
Q Can you describe the injuries as you saw them?
A I saw one in the top of the head, several on his right eye, a bunch of blood, dried up blood. I guess road material, there was one here, there was an injury here, an injury on his side right here, two in the arm and one in here and a wound on his hand.
Q Did you see any wounds to his back?
A No, ma'am.
Q When you say he was laying prone, which is face down, where was his hands and that kind of thing?

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A He was prone and his left hand was under him and his right arm was slightly out to his side.
Q Could you stand up for me?
A If I stood up and I was laying down it would be like this. (indicating)
Q So his right hand was where?
A On the ground, slightly away from his back.
Q Okay. And his left hand was where?
A More like by his waistband, in front of him.
Q On his side as he is laying, not outside his body?
A No, like he fell on it, right.
Q Okay. Did he have any weapons?
A No, ma'am.
Q You checked him for weapons; is that right?
A Correct.
Q Did you happen to speak to the officer who was charged, who is not charged, but who is alleged who did the shooting?
A No, ma'am.
Q Okay. He wasn't at the scene when you got there?

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A Correct.
Q Okay. Any other bystanders come up to you or say anything?
A No, ma'am.
Q Okay. Were you frightened or afraid?
A No, ma'am.
Q Okay. Now, you said you talked to the police, they gave you information about what happened?
A Correct.
Q And this isn't any firsthand account that you have, you did ask them what happened?
A Correct.
Q Who did you talk to?
A Detective , was one of the detectives.
Q And what did he say?
A That there was a, that Officer Wilson was driving down the roadway, he encountered the two individuals in the street, asked them to exit the street and an altercation started from there. And the decedent ran away from the vehicle, the officer gave chase. They met up again in the middle of the roadway and shots were fired.
Q Okay. And did Detective

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represent to you that he actually saw this occur?
A No, ma'am, he wasn't there.
Q I'm sorry?
A No, he did not see it.
Q He is telling you what he heard?
A Correct, information he received from whoever he ended up hearing it.
Q Do you know who that was?
A No, ma'am.
Q Were there any paramedics at the scene when you arrived?
A No, ma'am, they were already gone.
Q And when discussing the body again, Michael Brown, was it like firm or hard, or tell us about rigor mortis, what is rigor mortis?
A Rigor mortis is hardening of the muscles after death.
Q Okay. When does that set in?
A It starts immediately, but you actually, full rigor mortis about 12 hours after death.
Q Okay.
A Then it goes away and it comes back. Many different variables, different size of people, where they're at, location of the body, what they were doing prior.

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Q Weather?
A Medications, weather, drugs, everything.
Q Did you notice any rigor mortis on Michael Brown?
A It was starting to set in, correct.
Q Where?
A I felt it in his arms, his hands.
Q Okay. Do you know whether or not he had been moved or anything when you arrived?
A It didn't look like he was moved from the position that he was --
Q You don't ask that question?
A We do ask that question. Sometimes we can tell if the body has been moved.
Q How?
A By livor mortis.
Q What is that?
A Settling of the blood.
Q How can you tell by the livor mortis? Explain.
A Actually, with light skin people you can see it, in dark skin people it is hard to see.
Q Okay.
A That's why I didn't put that in the report as to livor mortis.

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Q What do you see? I don't understand.

A It is when your blood starts, all the blood just settles at the lowest part and gravity takes over and all the blood comes down here and this would be like discolored.

Q Okay.

A Anywhere from like a light pink to a dark blue, and that sets in about 12 hours. If you move somebody, it will change position.

Q Oh. And it was based on your training and experience and your discussion with the officers he had not been moved?

A Correct.

Q All right. When you got there, did the police delay you or tell you, you know, they weren't ready for you to do your part or did you get right in?

A No, I didn't get right in, they still had some photographs to take and evidence to collect and document.

Q So once you got there, I know you said it took you about 15 minutes to do what you needed to do, but once you got there, how long did you wait before you were able to do what you needed to do would you say?

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A I would guess about an hour.
Q Okay. Is that unusual?
A No, ma'am, not for homicides, no.
Q Okay. Now, did you take any notes regarding what was occurring?
A Yes, ma'am.
Q Okay. Is that your regular system that you take notes as you are out on the scene?
A Yes, ma'am.
Q And you use those notes to write your report?
A Correct.
Q How soon do you write your report?
A As soon as I get back to the office.
Q Is that what you did in this case?
A Yes, ma'am.
Q Okay. What do you do with those notes?
A I usually destroy them after the report is completed.
Q You shred them?
A Yes.
Q Did you do that in this case?
A Yes, ma'am.
Q Why do you shred them?
A Everything in my report is going to be

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from my notes.

Q Okay. Is there stuff that you did not put in your notes that you want to tell us about or that you did not put in the report?

A Other than?

Q Anything?

A In looking at the report, I would like to clarify, the east and west position of the body may not be accurate, may not be correct. I was just going by the street that I came in on, that I came down. It should have been an east and west street. So that should have been west and his feet should have been east.

Sometimes in a subdivision the streets, they curve, so his head may be a little bit off. Like southwest, and his feet may be northeast or something in a different report, but I should say that the head was pointing towards Florissant and his feet was, what's the name of the other street, the other main intersection that I came in on to get to Canfield.

Q Okay.

A I can't think of the street right now.

Q Okay. Is there anything else looking at your report that you need to modify or add?

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A Not that I can think of.
Q When you are writing your report, if there is something that you discover later, do you write a supplemental?
A Yes, ma'am.
Q Can you recall an instance where you did write a supplemental? You don't have to tell us the name of the case or anything.
A Cases like, maybe on this kind of case like this, maybe the doctor asked us what was he doing before this happened. I would have to go back, contact an officer, maybe his family and find out why he was with so and so doing something or you know, whatever he was doing prior to his death. I may have to go back and get that information.
They may call me, the doctor may ask me, can you call the family to see if they have any kind of medical history, and things of that nature.
Q Okay. And getting back again because one other thing I want to ask you about the injuries, did you count the gunshot wounds?
A Yes, ma'am, what I thought was gunshot wounds.
Q Clarify what you mean?
A Just because there is a hole in a person

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doesn't actually mean it came from a bullet.

Q Okay.

A It could be a stabbing, could have fallen on a rock, could be a laceration.

Q But you counted a certain amount of wounds that may or may not have been gunshot wounds?

A Correct.

Q How many did you count?

A I think nine altogether, nine.

Q Where were they located, you can tell us? Refer to your report.

A One on top of the head, one to the right forehead, one around the eye, and then one in the neck, close to the neck/chest area, one on the right side and the rest in the arm and one in the hand.

Q Okay. You said total like nine?

A Correct, nine injuries.

Q Did he have any other abrasions to his body?

A He had abrasions on the back of his hand, left hand and abrasion on the right side of his face.

Q What is an abrasion?

A Several scratches.

Q And when you were done, you said you

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wrapped him up in a clean sheet?

A Yes, ma'am.

Q And then you told delivery person, what did you tell them to do?

A We work as a team. And I roll them over and I put them in a sheet, we tie them up and lift him up, put him in bag, seal up the bag. Actually, just zip it. We have a lock that we put on there and the lock stays on there until the next day.

Q Okay.

A And then the delivery service, the two people will pick up the body, put it on a cot and transport it back to the facility.

Q To the Medical Examiner's Office?

A Correct.

Q Did you go back to the office too?

A Yes, ma'am.

Q When they were packaging Michael Brown and putting him in the delivery, the car, I guess it is like a hearse or something?

A It is an Escalade.

Q An Escalade. Did anybody say anything as you are leaving or did the mom come up to you?

A No, we were inside the crime scene tape, nobody was actually able to come up to the vehicle.

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Q Okay. All right. Questions?

MS. ALIZADEH: Can I ask a couple?

Q (By Ms. Alizadeh) Shortly after, at some point, and I assume quickly you learned that this was a police officer shooting, correct?

A Correct.

Q Do you handle those any differently than you do other scene shootings?

A No, ma'am.

Q The entire time you were there, there was police officers present, correct?

A Correct.

Q From St. Louis County?

A Yes, ma'am.

Q Were there any Ferguson officers present?

A There was multiple different jurisdictions there.

Q Okay. At any time did anyone, whether it is a police officer or anyone else, did you feel that they were preventing you from doing your job the way you thought it should be done?

A No, ma'am.

Q Did anybody suggest that you do something that you would not have normally done?

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A No, ma'am.
Q Did, and you said that this was obviously a shooting, you would not have handled this any differently if it was a nonpolice related shooting?
A Correct.
Q And then also you said that you checked the body of Michael Brown and you checked in his pockets and you were looking for weapons, a weapon?
A Correct.
Q Did you have reason to believe that there was a weapon or is that a standard thing?
A Standard procedures.
Q Okay. Did you find anything in his pockets?
A We found two lighters, two $5 bills and a small little bag of marijuana, or what appeared to be marijuana. It was a green substance, grass, looks like marijuana to me.
Q Okay.
A That was it.
Q And when you say we found, who is the we?
A Actually, it was me taking the stuff out of the pockets, detectives were standing there taking notes, the ID people were standing there, they should have taken photographs of it. After we

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were done, I put it back in the pocket.

Q You were the one who actually reached into the pockets?

A Yes, ma'am.

Q To your knowledge, were you the first person to go into those pockets or do you know if there was anybody else?

A I couldn't answer that one.

Q You don't ask or make any attempt to ask if someone --

A We do, we do ask if anybody went in there and got his cell phone out. Sometimes they take the wallet out to get his ID out or take the cell phone to get information off the phone, and that wasn't done.

Q To your knowledge?

A To my knowledge it wasn't done.

MS. ALIZADEH: Okay, that's it.

When you got there, you said you were taking photographs and I understand you weren't actually taking them, were you directing the police on what photographs to take?

A No, ma'am.

You were relying on them to take the actual photographs?

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A Correct.

You said injuries, how many were down the right side?

A Just one injury on the right side, right below his nipple, one right here, clavicle area.

You said the forehead, the eye, the neck, the side, the hand, the arm and the hand?

A Correct. And one in the top of the head too.

And the position of the body, I didn't quite hear because I'm opposite from you. When looking at you, you said one arm was out, was that the right arm?

A Right arm was out.

Right arm was out and the left arm was against his waistband?

A Correct, yes, ma'am.

And you modified the direction of the body. Can you say again was it east or the west or the west to east?

A I'm going to assume his head was west and his feet was east.

His head was west and his feet were east and that's the modification?

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A That's what I have in my report, I just want to make sure I clarify that his head actually faced West Florissant and his feet was Glen Oak, Glen Oak was the other street.

So his face was at West Florissant?

A Correct.

And his feet were at Glen Oak?

A Correct.

Was he face down?

A Yes, ma'am.

MS. WHIRLEY: When you say modify, this is Sheila Whirley, you are talking about your report, not that you did anything to that body to change the position of the body?

A No, ma'am.

MS. WHIRLEY: Your modification is to make a correction in your report?

A Yes. Like an officer comes up with a compass, it is northwest by southeast or it is east and west, you know, or south and north, I just want to clarify myself. I was trying to figure out where I was at by the street location.

MS. WHIRLEY: Okay, I see.

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A Came down Chambers, which is east and west and Glen Oak is going north and south and right back onto Campfield.

MS. WHIRLEY: Okay yes, ma'am.

.

A Yes, ma'am.

I'm trying to get a clarification. You said that the police officers had already examined the body, photoing the body, taking pictures of everything on the body.

Let me understand, when you examined the body, you searched the pockets and you found the marijuana, the two $5 bills and the two lighters. Why wouldn't those objects be outside the pockets if they had already examined the body?

A They don't actually examine, they just take photographs. They don't touch the body until I get there and I can't touch the body until the detectives get there. We kind of do it in tandem. We don't want to disturb the scene. They come in and they photograph everything like it is. I come in, if I move anything, then they photograph it again.

MS. WHIRLEY: What's the purpose of doing it in tandem and not the police?

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A That way the scene doesn't get contaminated, things get moved around or kicked around and we all have different information then.

MS. WHIRLEY: There is information that the body may be able to tell the medical examiner or should be able to tell a medical examiner?

A Right.

MS. WHIRLEY: And if it is tampered with, that information --

A Correct.

MS. WHIRLEY: May not be accurate?

A May be important information.

MS. WHIRLEY:

. I just need a clarification here. This is in regards to your conversation with Sergeant ?

A Correct.

Approximately 1:30 p.m.

you had a conversation with him to set up a time when you were to arrive at the scene?

A Yes, ma'am.

Q Okay. And you said approximately, he said you called within an hour of that time?

A Correct.

Q So approximately 1:30 p.m. to 2:30 p.m.,

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you called, but you said you arrived at the scene at about 2:30 approximately your time. Now, I understand you stated that after you got to the scene then you had to wait another hour, is that my understanding?

A Yes, ma'am, approximately about another hour.

So actually your investigation didn't start until about 3:30 p.m. that day?

A Correct.

MS. WHIRLEY: So what was happening in that hour?

A What happens, the crime scene unit they show up, they have to get their cameras ready to make their placards, grab all of their little place cards and find evidence on the scene, mark the evidence, lay it there, take photographs of it.

A lot of time you have to clear out a way, a path for me to get to the body. I'll be walking through there kicking shell casings and different evidence around.

MS. WHIRLEY: So all of that was occurring?

A That was going on then, correct. Like I

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said, they just got there, they are talking amongst themselves on what they are going to do. There is several officers. Some transcribe, some give out measurements, some photograph, you have a transcriber with the photographer.

MS. WHIRLEY: This was St. Louis County on the scene?

A Correct, yes, ma'am.

MS. WHIRLEY: It is your understanding that Ferguson was on the scene first?

A Correct.

MS. WHIRLEY: And then the scene was turned over to St. Louis County?

A Yes, ma'am.

MS. WHIRLEY: Yes, sir.

: . Were paramedics called initially do you know to, you know, the first instance, did they do anything to the body?

A I don't know if they were called or not. I know they arrived on scene shortly after it happened. I looked at the body, they didn't have no leads, any kind of what they usually do is put a lead on their body for EKGs to see if there is any kind of heartbeats. None of that was placed on there. Everything from there on is going to be

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assumption. I don't want to assume what they did. Who would determine before you got there this person was deceased?

A The paramedics or police officer, I don't know.

MS. WHIRLEY: When you got there, the body was deceased?

A Correct.

MS. WHIRLEY: Michael Brown was deceased?

A Yes, ma'am.

To just continue that, to put the EKG on to determine that, do they typically have to move the body?

A No. I guess from the wounds that they observed was actually a fatal wound.

MS. WHIRLEY:

: . So in 25 years of work, how common when you have responded at the scene for a shooting involved an officer and another civilian, is that something that happens often?

A I have been on several of them.

So several of them in 25 years?

A Several police shootings.

So in this case, did it

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seem peculiar or out of the ordinary that the shooting officer was not present?

A No, not at all.

Not at all?

A No.

Do you know what the protocol is for that?

A They probably took him to the hospital or back to the police station interviews. Majority of the time, they're not there.

MS. WHIRLEY:

MS. ALIZADEH: Could I make a suggestion? I know you all aren't used to this, but when you do ask a question because we don't know how well this is all picking up until we listen to this later or have an opportunity to check it, so if you would make, you don't have to get right up on it, but make an effort to kind of speak into the microphone so that we can be sure that your questions are recorded, that would be great. If I see you not doing that because you are not used to it, I might say, could you get close to the mike, okay.

MS. WHIRLEY: Let me just say, this is your mike, we are kind of sharing it, just to let you know.

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: . You said, I guess, you looked for gun powder on the body?

A Yes, sir.

And you didn't find any?

A Correct.

If you would have found some, what does that determine?

A That tells me that the weapon was fired at a certain distance from the body.

So usually you can tell the closeness, I guess?

A Correct. If the altercation was maybe 12 inches or less when the gun fired.

MS. ALIZADEH: Just for the sake of clarification, you're not a ballistics expert?

A Correct, I'm not a ballistics expert.

MS. ALIZADEH: There if you would like, we anticipate you may hear evidence as this goes along about that, but he's not an expert in ballistics.

A Depends on weapon, age of the weapon.

MS. ALIZADEH: He can talk about his experiences and what he knows from his personal and professional training, but he's not really a ballistics expert.

He asked a question that

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led to another question.

A Sure.

You said there were no leads on the body by paramedics?

A Correct.

Are you able to see that after they leave?

A Yes, ma'am, they are small stickers.

So they don't take those off?

A No.

They would be on there?

A Correct.

You were able to see?

A I didn't see any on there.

They didn't even --

A Correct.

MS. ALIZADEH: One other suggestion, try to refrain from using each other names just for again, for your sakes and for the anonymity part of it.

We can have the court reporter redact that out. But of course, you know, it is on disc. This is all new to us, so we are learning as we go.

MS. WHIRLEY: Anything else?

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MS. ALIZADEH: Don't be afraid to ask a question because I've been kind of making suggestions. I don't want to intimidate anybody into, I don't want to ask a question because I think Kathi might yell at me. But if there is any, any other questions for this witness.

You don't see any gun power or anything on his clothes, that doesn't mean when the gun went off, he couldn't find, he couldn't find that?

A Correct.

He could find that on other clothes?

A Correct. He may find some and he may not find some.

: Will we get a copy of your report? I'd like to see the report.

MS. WHIRLEY: Yes. It is Exhibit Number 1. We will have that with your notes whenever you are ready to look at it, you can.

Anything else?

: . Are there any other things besides the wounds that you are looking at or documenting as you are looking at this particular body before you transport it or is it

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just the wounds itself you are looking at?

A I look at the whole body overall.

Okay.

A Position of the clothing, wounds, if it's a female, fingernails, everything from the top of the head down to the bottom of his feet we look at.

Typically do you, when you file a report outside of this prior to this particular case, would you typically file photographs with your report?

A Yes, sir.

And then with regard to this specific case, are you anticipating getting those photos and filing with your report?

A My own photos that I would take on the scene I would print out and be with my report.

Okay.

A But the police photos, the police have those, but we can request those if we need them.

Okay. Are you anticipating --

A Or pathologist, I don't know the pathologist --

MS. WHIRLEY: You will see those photos.

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I'm just wondering is he anticipating to get those photos to file with your report?

A They don't get filed with our report.

Okay, all right.

: . Now, you said that you didn't take photos yourself, you said that you didn't take photos yourselves?

A Correct.

Upon arriving at the scene as the batteries had died in your camera?

A Yes, ma'am.

All right. So I mean, is there some protocol with your department that you have to have your camera charged up all times?

A No, ma'am.

Just to alleviate this type of thing happening?

A No, ma'am.

So right now we only have the photos that St. Louis County or whatever --

A Correct.

-- did? Okay.

A Correct. My photographs would have been him laying on the ground with the sheets over him,

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removing the sheets and his back, you know, the whole body.

Uh-huh.

A And maybe that's it.

Okay.

A Anywhere from two to four pictures, no more than that. Just trying to give the pathologist a picture of what's going on when this person died.

Okay.

: Did you notice any other wounds on the body hands wise?

A Just the abrasion on the back of the left hand and abrasion on his face and nothing really obvious.

MS. ALIZADEH: And just to clarify, you said your job is to document the body?

A Correct.

MS. ALIZADEH: As you find it and you also make a determination if you believe the body has been moved, was there any reason for you to believe that the body was moved in this case?

A No, ma'am.

MS. ALIZADEH: Now is it your job to look at anything around the body, whether it be blood splatters or shell casings?

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A Yes, ma'am.
MS. ALIZADEH: Do you make notes of that?
A Yes.
MS. ALIZADEH: Okay. And in your report, did you make those notes?
A No, ma'am.
MS. ALIZADEH: All right. But did you, do you recall making notes about any blood around the body?
A Nothing in the reports, no.
MS. ALIZADEH: Okay.
MS. WHIRLEY: Did you see any shell casing?
A There were numerous shell casings on the scene.
MS. WHIRLEY: But you didn't put that in your report?
A Correct.
MS. WHIRLEY: Why not?
A At the time where they were at and they were still being processed, I guess let the police take care of that part. They are trying to figure out what shots were fired and what order, I didn't see no reason to see where they were at.
. Wouldn't the

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shells kind of determine how the body was shot, what angle, how far, the distance?

A They could at times.

MS. WHIRLEY: That's not what you are qualified to figure out?

A Correct. I don't know if they were moved, kicked around, people trampled through there, things of that nature. And the semiautomatic weapon, are the shell casings going to go out to the right side and eject.

MS. ALIZADEH: And so your purpose in being there and your function is to assist the medical examiner in doing their job?

A Yes, ma'am.

MS. ALIZADEH: You're not there as a police agent or an agent of any police department?

A Correct. As a matter of fact, my mission is just for the body.

MS. ALIZADEH: Just for the medical examiner?

A Correct.

: . Whose responsibility is it to write the whole report overview of that at the scene, is that the police department? Obviously, it is not this individual.

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A Police department.

MS. ALIZADEH: I anticipate you will be hearing testimony from the investigators who do document the crime scene in any kind of crime scene and especially such as this, there is going to be probably a number of officers who were doing different things at the crime scene to process the scene.

A This crime scene, can I say something? The crime scene was huge, he's here, some of his shoes are farther away from him. You have a vehicle and his hat, it may stretch out 100 yards. I'm just there for the body. Just trying to let our pathologist know he's here, there are other things there, this is what's going on with the body.

MS. WHIRLEY: It is your job to take the body when you leave?

A Correct. And the police will come in and photograph everything else, document it where it is at and take their notes.

MS. WHIRLEY:

: . You mentioned before that when you arrived at the scene and you saw the body for the first time, he was in the middle of the road, is that my understanding?

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A Yes, ma'am.

This road that he's on, is this like one lane each direction?

A Two lanes.

Two lanes each side. Okay. So you have the center yellow dividing line?

A Yes, ma'am.

Where was he in conjunction to that dividing line, was he right on it?

A Yeah, right on the line.

Was it bisecting him or dissecting?

A It was dissecting.

MS. WHIRLEY: The cars were able to drive around him?

A I'm sorry?

MS. WHIRLEY: Were cars able to drive around him?

A I would think so. By the time I got there, crime scene tape was already up.

MS. WHIRLEY: Preventing anyone from driving?

A Correct.

I hate to

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keep going back to the injuries. I want to make sure I got this right, top of head, forehead, eye, neck, arm, side and hand, that's not nine.

A One on top of the head, two in the eyes, three in the head.

Three in the head?

A Yes, three in the head. I'm calling the face the head.

Okay. So top of the head, forehead and eye are three.

A Two in the chest.

Two in the chest.

A Which I'm calling from the neckline down to the waistline and his arm had one in the upper bicep.

Okay.

A One closer to the middle of the arm --

There were two in the arm?

A Actually three, and then one in the forearm.

Three in the arm and one in the hand.

A Correct.

So a total of four in

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this extremity?

A Correct.

. You don't say there were nine, it could be come in here and come out here?

A Correct, it is nine wounds.

It is nine wounds.

A Correct.

No nine shots?

A No, nine wounds.

MS. WHIRLEY: And just to be clear, you don't know whether those are entrance, exit, abrasions, you can't say?

A At the time I couldn't say, correct.

MS. WHIRLEY: Can you say now?

A The medical report is done.

MS. WHIRLEY: I mean, that's not your report though?

A Correct. The doctor report is completed and he determined exits and entrances.

MS. WHIRLEY: A medical examiner could say?

A Correct.

MS. WHIRLEY: You can't say?

A I could say.

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MS. WHIRLEY: From firsthand experience can you tell us?

A I can tell an entrance and exit.

MS. WHIRLEY: Can you tell us what the wounds were.

A But on these I couldn't, that's why I didn't.

MS. WHIRLEY: Okay.

: . The abrasions that you noticed, were they consistent with where he would have made contact when he hit the ground with his forehead and left hand or could that have been caused by some earlier altercation or something.

A To me it looked like it came from the ground, that is more of an assumption.

MS. WHIRLEY: Why does it look like it came from the ground?

A Because it looked more like a road rash abrasion as opposed to an altercation abrasion, like somebody scratching him.

MS. WHIRLEY: What's an altercation abrasion.

A Like somebody punches you in the eye, you may get a slight, like somebody's knuckles sliding across your face.

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MS. WHIRLEY: Okay.

A As opposed to your face sliding across the concrete. We rolled him over, there is a little bit of gravel embedded in the wound.

MS. WHIRLEY: Okay.

MS. ALIZADEH: you testified that the body was prone, what about his face because I mean, was his head turned to one side or the other?

A It was turned facing the left side.

MS. ALIZADEH: Okay. So it would have been the right side of his face was against the pavement when you saw it?

A Yes, ma'am.

MS. WHIRLEY: And that's where the abrasion was?

A Correct.

MS. WHIRLEY: Or the injuries?

A Yes, ma'am.

MS. WHIRLEY: Okay.

The hand on the top of the head is away resting?

A Yes, sir.

MS. WHIRLEY: Anything else? If need be if you think of something else, we can always and it

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is directed for we can always bring him back once you have looked at his report, okay?

MS. ALIZADEH: Or at any time if there is other questions down the road, all you have to do is ask for us to locate a witness.

MS. WHIRLEY: Did you have something?

: Just to be clear, the fact that you didn't take pictures, you feel like the county covered whatever pictures you would have supplied yourself?

A Correct.

There is not a hole here because you didn't have the pictures?

A All pictures are taken by the police. I would have taken them too. A lot of times we direct them, you know, to take a picture of the back, lift up the shirt, take another picture, roll him over, let's take a picture of the front, lift up the shirt, can you take another picture for me, things of that matter.

MS. WHIRLEY: But in this case you did not do that or did you?

A We did.

MS. WHIRLEY: Oh, you did.

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A Correct.

MS. WHIRLEY: Ask them to take certain pictures?

A Yes, ma'am.

MS. WHIRLEY: Oh, okay. All right, anything else?

A They would have done those pictures anyway, it is protocol.

MS. WHIRLEY: Okay, well, thank you very much. That's it for today.

(End of Volume 1, August 20, 2014.)

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State of Missouri
SS.
County of St. Louis

I, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify depositions, in the County of St. Louis, State of Missouri, to be used in the trial of said cause in said court, in the City of Clayton, State of Missouri, by the aforesaid attorneys; on the 20th day of August, 2014.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.

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COURT MEMO

State of Missouri vs. Darren Wilson

CERTIFICATE OF OFFICER AND
STATEMENT OF DEPOSITION CHARGES

DEPOSITION OF Grand Jury

8/20/2014

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Clayton, MO 63105

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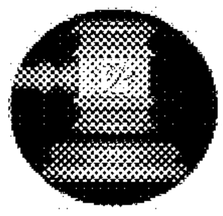
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Case: State of Missouri v. Darren Wilson

Transcript of: Hearing Before the Grand Jury, Volume 2

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 3, 2014

VOLUME II

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IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI,

vs.

DARREN WILSON,

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 3rd day of September, 2014, before

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APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

Assistant Prosecuting Attorneys for St. Louis County

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

(314) 615-2600

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GRAND JURY HEARING

MS. ALIZADEH: Good morning. Today's date is September 3rd, 2014 and it is about, I can't see my watch, a little before 9:00, 9:55. (sic) This is Kathy Alizadeh with the Prosecutor's Office and also present in the room are the 12 jurors and Sheila Whirley with the Prosecutor's Office and the court reporter who is taking down everything that's being said at this point.

Just some preliminary things. First of all, did everybody get in okay, was there any confusion, you all got in okay?

Well, did give you menus for today?

(All jurors indicate yes.)

MS. ALIZADEH: What I would like to at least begin explaining, and we talked to you about when you want to meet in the future. And we are going to accommodate you whatever time or date you would like to meet. Whatever you decide, if you want to meet, to continue to meet on Wednesdays because that's what you're used to, we will make this room available for you on Wednesdays, okay. We'll do something else with the new grand jury, they'll meet elsewhere.

So I would suggest that possibly over the

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lunch break today maybe talk amongst yourselves. During your lunch break it is not going to be recorded, you all can talk about amongst yourselves about future days.

And then maybe at the end of the day today or after the lunch, we are going to need a list of some dates. Those dates are not going to be made public, we're never going to discuss on the record in advance what dates, you know, you're going to be meeting, but we'll need to know so we can start scheduling people.

Keep in mind that unlike typical grand jury days, we cannot present evidence on this matter unless all 12 of you are present.

I know you all have the phone number for the grand jury. If you all make arrangements to meet on a particular day and then, you know, somebody gets up in the morning and they're sick, they've got the flu, you're going to need to call as soon as possible so we can try to call people and head them off if they haven't already left their homes if one of you can't make it, then we're not going to be able to hear anything that day, okay?

: . So the alternates, alternates will not be called in on

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this, is that my understanding?

MS. ALIZADEH: That's correct, they're not going to have heard everything that you would have heard.

Okay.

MS. ALIZADEH: Typically the grand jury will hear a whole case in a matter of 15 minutes maybe, but that's not the case here, so there won't be any alternates that are going to be seated.

All right.

MS. ALIZADEH: So the way I would like to progress is that each day when we meet, we're going to try to be on time and start on time. I think that's respectful of everybody else. We know you are dedicating a lot of your time to do this, so we'll try to be more punctual on future dates.

I also want to tell you as you notice we have some additional equipment in this room, there is probably more people in this room than ever before. I'm probably going to bring in some additional fans because it will heat up and get warm in this room.

If anybody at any point feels like they're feeling, you know, a little overheated, please let me know because we'll take a break. With this door

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open when I walk out here it is way cooler out here than it is in here. If ever you feel like you're, you know, not being able to be attentive because of the heat, stop us, okay.

And what I would also like to do is every, the beginning of every time you meet is to give you an overview of what to expect for that day. This is not in the form of like an opening statement where I'm going to talk about what the evidence is going to be, I'm just going to give you the names of the witnesses that we expect to call and who they are and what we anticipate the content of the topic they're testifying about.

As you have seen in the past, the witness will take the stand, be sworn, take the stand and then I will begin or Sheila will begin by asking the witness questions.

And I'm not trying to say, I don't want to discourage anybody from asking any question that they want to ask, but what I would like to see if possible, because your questions might be answered later on in the testimony. Some of these witnesses are going to have lengthy testimony and at some point, you know, you might ask a question that I'll say he's going to talk about that in a minute.

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If you don't understand something that's being said at the time, raise your hand, identify yourself by your juror number and say excuse me, I'm not understanding what you're saying right now. But if you have a question that he hasn't, the witness hasn't seemed to answer yet, if you want to jot that down in your notes then, you know, at the end, of course, you know, I will open it up to questions and Sheila may have additional questions or vice versa because we are taking turns on putting on different witnesses because one person can't do all of this.

Are there any questions so far?

There will be times when I'm going to hand out things to you like maps or reports of other people just so you can have them for your reference while you're hearing the testimony. I would encourage you to still pay attention to the testimony.

It can be distracting if you are reading something that's in front of you while a witness is testifying, you are going to be missing something that's being said on the stand. Anything that we give you will be available to you at any time during the time you're sitting. Certainly for your deliberations if you wish to have items back that

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you've seen before, we'll get those to you.

When you do get maps or reports or anything of that nature, what I would like you to do is to just write your juror number on the corner of it, but I don't want you to put any other writing on it.

If you have notes you want to take, put them in your notebook because as we've explained to you your notebooks are going to be private, they're locked up, nobody is looking at them and they will be destroyed at the end of the process here. I don't want you making notes on anything that is, you know, not your notebooks, okay. Can we agree with that?

After our last session Sheila and I sat down and listened to some parts of the testimony, the mikes pick up very well. Remember last time I said I wasn't sure how that was going to go? So I was kind of encouraging people to lean forward. I think we're not going to have any problem as long as people keep their voices up, we should be able to hear everybody that wants to speak.

And if at all, you know, you cannot hear a witness as usual, you know, you need to raise your hand, I can't hear you or I didn't hear what you

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said.

Any questions about that so far?

Sheila, one other thing I forgot. So the next time we meet, we will need for you to be on time because Judge who is the grand jury judge, is going to be here before we start that day and she's going to read to you another charge. When I say charge, it is like she's charging you with an oath, I guess.

That is having to do with the fact that you're session is being extended. So I told her, you know, what time I thought we wanted to get started. You know she's going to be here a little before that. So if we can make sure that everybody is here on time so, you know, she doesn't have to wait around for us.

MS. WHIRLEY: What time we talking, 8:00 or 8:30.

MS. ALIZADEH: I think we were talking about 8:30.

MS. WHIRLEY: So 8:30.

MS. ALIZADEH: You all can be here by 8:30?

MS. WHIRLEY: You actually prefer 8:30?

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MS. WHIRLEY: Okay. Because 8:00 worked well. I think they prefer 8:00 to bring them in the way they did today, they prefer 8:00.

MS. ALIZADEH: So what time do you all think you can be here and seated for Judge

(All indicate 8:00.)

MS. ALIZADEH: I will tell her to be here at 8:00 for the next time you meet.

You have a question?

I know she spoke a lot about secrecy and we all take that very seriously.

MS. ALIZADEH: I don't know the answer to that question. I do know what that is, so I will have to check with our people and see what they say about that.

Okay.

MS. ALIZADEH: I can't imagine there would be a problem with that.

MS. WHIRLEY: I didn't hear over here, I'm

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sorry.

MS. ALIZADEH: You want to go ahead and restate it?

MS. WHIRLEY:

MS. WHIRLEY:

Because of what we are going to be doing.

MS. WHIRLEY: Okay, I didn't hear you.

MS. ALIZADEH: As we mentioned before, people in your lives know you are on a grand jury and have been. Of course, we're not going to disclose to any media outlet or the public in general your identities, but your families and your employers know that you are on the grand jury.

But more importantly, what you are charged with is that you cannot discuss anything that you hear in here. So, you know, if you have conversations with your family or your employers about, you know, your meeting times and your meeting dates, how long this is going to take, that's up to you and I understand that that's something that you all need to work out with the people in your lives.

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We would like to get this done as quickly as possible, but then again, we are not going to rush anything.

If there is a need to meet until after the first of the year, that's what we are going to do. I don't anticipate that, but there is no way after this whole process is over that anybody is going to say we rushed anything, okay. I want you to have as much time as you need, hear as much evidence as you think you need to hear. If we don't call somebody that you want to hear from, we'll get them here, okay.

So for the next meeting we'll start at 8:00, the Judge will give you a charge. Today we're going to have testimony on the investigation into the shooting of Michael Brown in the morning session, hopefully we can get done by lunch time. In the afternoon today you are going to hear a regular docket of cases that we need to move through the grand jury.

After that, we anticipate that all of your, everything you will hear every time you sit will just be evidence on the investigation into the shooting of Michael Brown.

I know this is different than other cases

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because normally when we've charged somebody with an offense, you have the charge in front of you, you can read what the charge is, you can read what maybe the elements are and you don't have that in this case.

I understand that that kind of leaves you not sure how you are supposed to look at this evidence.

So after this morning session, Sheila and I will sit down and we will come up with statutes for you on the various degrees of homicide and there will be some other relevant statutes on the use of lethal or deadly force when, and possibly self-defense statutes, so you will have by the time you are here next time. We'll have that for you so you can kind of at least understand the law as you are hearing this evidence.

We're putting on witnesses in a certain order because we're trying to make this easier for you to digest and understand the evidence as it comes in because unlike a trial, I'm not making an opening statement. I can't outline for you what all the evidence is. In a trial, you know, a jury gets to hear that, that's not going to happen here because I'm not making an opening statement.

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So we're trying to put the evidence on in a more logical order so you can kind of understand as the witnesses progress, oh yeah, I remember hearing about that the other day. Um, but as it happens, sometimes we have scheduling issues with witnesses, and sometimes things might be out of order.

There might be an occasion where you hear testimony from a witness and then you say to me or Sheila, well, you know, what about that, was that found at the scene? Well, you're just, I can't answer those kind of questions for you, you're just going to have to hope you are going to hear evidence about that and at the conclusion of all of this, if you have additional questions and you give us those questions, we will see if we can get those answered through witness testimony, okay.

I think the best thing for every day is for us to tell you how your day is going to go. So today you are going to hear from two witnesses. The first witness is St. Louis County Detective, Detective He is a crime scene investigator. He will testify about what he did in relation to his investigation into the incident that occurred involving the shooting of

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Michael Brown, okay.

We're going to see pictures, and some of them are going to be graphic and disturbing and I have to just get that out there in the beginning.

The next witness we're going to hear from is going to be I will have him spell that for you. I don't want to misspell it.

He is the medical examiner who conducted the autopsy on the body of Michael Brown and he's going to describe his job and what his findings were, okay.

So with that, are we ready to get started? : . Now, on the times for next week, we want to be in the garage at 8:00 so we can be here at 8:30, or we want to be at the room at 8:00?

MS. WHIRLEY: I think you want to be in the garage at 8:00, that way you can come through the way you did. That seemed to work very well according to So be at the garage at 8:00, unless you hear differently. I will call you if something changes, but 8:00 in the garage. That will probably put us at 8:30, ready for Judge

MS. ALIZADEH: And that's kind of what I

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told her earlier this week, 8:30, I thought. From a frequency or time allotment standpoint for future weeks, what is your anticipation from a need, eight hours per week, two days per week if we can do it, how do we balance with what you have available to present to us.

MS. ALIZADEH: That's going to depend a lot on your schedule. Sheila and I have talked about this. It would be great if we could go five days a week for as long as it takes to get this done. As I said to Sheila yesterday, we're not going to be able to do that.

In a typical case we have a year to prepare to put on evidence and we don't have that here. And so, and as you may, you know, find out as the testimony comes in, we may have additional witnesses that we don't even know about today that we will have to, you know, present evidence on.

So that's going to be up to you. If you guys decide well, we'd like to meet for, you know, an afternoon on a certain day of the week and all day on Saturday, you know, or we'd like to meet two evenings during the week, whatever you all think is best. Understanding that the more often we meet,

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the quicker this will go, but I don't think it is realistic for either side, our side as well as your side to think that we're going to have, be able to put this case on Monday through Friday until we get done. I just don't think we could do it.

All right, you can talk about that during lunch what everybody kind of feels comfortable with as far as a schedule, okay.

: . As far as my job, I know my session is to end next Wednesday, so will we get a letter stating the fact that it has been extended?

MS. ALIZADEH: We can provide that for you.

MS. WHIRLEY: will take care of that.

Thank you.

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Can you state your name and spell it, please?

A Good morning everybody. My name is

Q And where are you employed?

A I am a crime scene detective with St. Louis County Police.

Q Are you a police officer?

A Yes, ma'am.

Q And can you briefly describe for the jurors what training you went through to become a police officer?

A After receiving a bachelor's degree, you attend the police academy. You start as a police officer like everyone does on the street in a patrol car. After different various assignments and training and interviews, I was accepted into the crime scene unit about five years ago. Once in the

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crime scene unit, here again, subjected to another 10 to 12 weeks of field training and ongoing classes and training after that.

Q What does a crime scene investigator, what is your job, what do you do?

A Primarily our number one job is evidence at various crime scenes that we are requested to, photographing evidence, collecting evidence, diagramming scenes, videotaping various scenes.

Q And so you say that you have been a crime scene investigator now for approximately five years?

A Yes, ma'am. I was assigned to this unit in January of 2009.

Q And during the time you have been a crime scene investigator, have you also received any additional training either through course work or attending conferences or seminars that are particularly directed toward crime scene investigations?

A Yes, ma'am. Everything from interviewing interrogation techniques, to scene photography, setting up death cases, forensic anthropology courses, several things.

Q So as a general rule, before we get into the particulars of this investigation, it is fair to

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say that you have to be called to a crime scene by other police departments or agencies; is that correct?

A Yes, ma'am.

Q So you're not driving around in a van looking for crime scenes?

A Not at all.

Q So you have a van that you use?

A I do.

Q And it has all kinds of things in there that you use during your investigation; is that right?

A Equipment, tools, supplies, those sorts of things.

Q And so when you are called, are you on-call, like you could be called in at any time?

A There are 17 of us in the unit and we work, we cover 24 hour shifts. So at any given time there is a minimum of two of us St. Louis County crime scene detectives on duty, 24 hours a day.

Q When you receive a call to go to a crime scene, you get your stuff, go, and you drive your van to the crime scene; is that right?

A Yes, ma'am.

Q Now, typically when you arrive at a crime

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scene, what's the first thing you do?

A First thing I would do is contact either the person in charge of the scene or an officer that knows what's going on. They would typically give me a rundown what they know at that time and walk me through the scene to show me, again, what they know, what occurred and where it occurred.

Q And so it's, you are not the first officer arriving at a crime scene, other officers are always there before you; is that right?

A Correct, yes, ma'am.

Q And so you talk with them about what they know, what they might have already found, correct?

A Yes.

Q Okay. Um, and so after you get that information, is that necessary for you to then decide what you are going to document, what you are going to search for and so forth?

A Yes, it helps greatly knowing what they know and then I can take my time and start digging further into finding evidence and stuff like that. But knowing what they know prior to my arrival helps me establish a starting point for my investigation.

Q And I would imagine every crime scene is going to be unique, correct?

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A Every one.

Q And whether it is a shooting or a burglary or sexual assault, those are all different crime scenes, correct?

A Yes, ma'am.

Q So after you have spoken with the officers there and gotten some information, what's the next thing you typically do?

A I would walk through the scene with them, they typically would point out evidence that they've already found or stuff that may have obvious to them, stuff that other witnesses or victims may have shown them already. From that point, for homicide scenes and other death investigation scenes, the first thing that we would do is videotape a walk-through from my own perspective. Not with anyone narrating it or with anyone particularly in front of the camera, it would typically be just my point of view walking through the scene from what I know from that initial contact with the officer.

Q And in these cases given that other officers are already there before you, is it usual that whatever they have determined the scene to be has been taped off with police tape, that yellow tape that keeps people out of the scene?

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A Yes, ma'am, generally that's the case. Oftentimes through the course of an investigation we may find something, obviously, that's outside the crime scene tape initially, but typically the crime scene tape is already up, a scene has been established for us and then we start our investigation.

Q And I would imagine that, you know, what you were hoping for is to have a crime scene that is undisturbed, uncontaminated by anyone from the outside who is not involved in the incident itself, would that be fair to say?

A In an ideal world, yes, that would be perfect.

Q Does it occur that there is contamination of a scene either because of police officers being there, other pedestrians being there, emergency personnel, first responders being there?

A Yes, absolutely, that's one of the tenets of crime scene work. That's a theory that anyone or any person that comes in contact with a crime scene you can either take something away, but you will always leave something there, be it footprint, steps, anything.

Q And so after you have done your video

walk-through then, what's the next thing that you do?

A The next thing we do is after we capture video, we take overall scene photographs. And again, it is photographs from my perspective of what is in place when I show up.

If there is a police car that's shown up or crime scene tape, everything is left in place from when I get there and I take my overall photographs from what is in place when I get there. There is no way I can photograph stuff that happened before I get there or try to guess what it looked like before, so the photographs that I take from the crime scene are actually what I see when I show up.

Q So it would be against protocol to try to rearrange things so that they were the way somebody thought they were before you arrived?

A Yes, ma'am, correct.

Q So nobody touches anything once you get there and you then go through it, photograph everything as you see it; is that right?

A Yes.

Q And then after you have completed photographing a scene, what do you do next?

A Once we do the overall photos, we would

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typically walk through and place down our number of placards to mark the known piece of evidence that we have recognized or determined at that point.

After that, we'll start photographing those pieces of evidence individually and then once those things are documented, we'll then start moving things, looking for more pieces of evidence. We always want to be able to show stuff that was in place, how you would normally just walk in and see, there is always going to be hidden pieces of evidence that we need to move, either a car, you know, a couch, move cushions on stuff and start looking for additional pieces of evidence.

And then we just restart the same process. Photographing it where we found it, putting a placard in place where we found it and then collecting it.

Q And then when you collect evidence after you photograph that evidence, you referenced a placard, is that, explain for the jurors what a placard is?

A A placard, I'm sure you have all seen them, they come in various shapes and colors. There is typically a hard plastic, for lack of a better term, with a number on it. And the only purpose

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that it truly serves is for primarily me to recognize a photograph, what number of evidence that I'm picking up.

Any given scene shell casing or a blood drop somewhere. If you find a picture of this shell casing 100 pictures later of a separate shell casing, it would be nearly impossible for you to determine which was number one and which was number 200.

So a numbered placard is just a reference for my report writing and my evidence collection of what I've just took a picture of and I can reference that in my evidence.

Q So after you have placed your placard and photograph the evidence items with their placards, you begin collecting pieces of evidence, correct?

A Yes, ma'am.

Q And you always have with you in your van envelopes, plastic bags, swabs, all kind of things that you might need in order to properly package pieces of evidence?

A Yes, ma'am.

Q And you do that personally yourself?

A I do. Typically in larger scenes there is always two of us there. One is keeping notes, one

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is getting the piece of equipment for someone else. We are working together doing that, but yes, we all do pick up our own evidence and place it in individual bags and envelopes.

Q So if it is a particularly large scene, it is more than one crime scene detective present at the scene. Is there one of you that takes over that that is your scene?

A Correct, yes, ma'am.

Q And so the other detectives that are there are assisting you?

A Correct.

Q So when you package evidence, do you mark the packages or envelopes or bags with your own handwriting and your notes denoting what it is inside and where?

A As far as the labeling on front of the various different envelopes that we have. One person may write that. The one thing if it is your case, in particular the Ferguson case was mine, some envelopes I filled out the front information, but on every envelope we seal it with a piece of evidence tape so it is closed and that is my initials and DSN on the back of every evidence seal.

Q Each individual piece of evidence would be

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packaged separately, is that protocol?

A Yes.

Q So after you have filled out the evidence envelope and sealed it with tape and placed your initials and DSN on the envelope, do you prepare an evidence sheet?

A Yes.

Q A receipt?

A Every piece of evidence has a paper trail, it has a receipt that denotes not only what the evidence item is, where it was found, but it also goes to a different part of our crime lab and/or property control. Our crime lab has three or four different wings to it, be it firearms lab, the chemistry lab, the DNA lab, any piece of evidence that goes to any part of those labs has to have its own individual receipt.

Q So this receipt that is with this packaged evidence stays with that item; is that right?

A Yes, not only is the evidence receipt, but also serves as the chain of custody but everyone that picks that item up has to sign off on it as the chain of custody.

Q And it is not unusual for items that you may have collected to go through a number of

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different hands to get to its final destination, whether it be the lab, whether it be the fingerprint section, whether it be the medical examiner's office and so forth, several people may have handled this package, is that fair to say?

A Yes, ma'am.

Q And those people have to sign off on that package?

A Yes.

Q And then when they give it to somebody else, they have to sign that they gave it, and the person they gave it to then signs?

A Yes.

Q And until the evidence reaches a destination where it is going to be examined or tested, does anyone open that package while they're handling it?

A No.

Q Would you agree that it is the general policy of whether it is the St. Louis County Crime Lab or any other place, that if they were eventually to receive one of your evidence envelopes and the envelope tape has been torn or tampered with or in any way changed from when you initially sealed that envelope, do they notify you?

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A Typically. For instance, if I, when I package a piece of evidence, I would put it into our vault, especially if it is overnight. Typically these things happen at night or when the crime lab is closed. Whoever takes that piece of evidence out of the vault or in the lab, they are going to open it.

So they will cut my evidence tape. When they're done with it and seal it back up, they put a piece tape over top of it.

Q Let me stop you, you are talking about a vault that's at the lab?

A Yes, ma'am.

Q So that's after the evidence has arrived at the lab?

A Correct.

Q But the people that may handle it before it gets to the lab aren't to open that evidence, correct?

A No, typically I would be the only person that would handle that before it gets to the lab.

Q Okay. So once it is at the lab and you said sometimes if it is overnight, they have an overnight vault?

A Yes, ma'am.

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Q You can drop evidence in?
A Correct.
Q And so you know no one else from the outside except the lab people are going to be able to get to that?
A Actually, myself, not myself, but crime scene detectives and our property control director are the only people that have access to it.
Q So once the lab people come in, they have one of you guys have to open the vault for them to get the evidence out?
A Yes, ma'am.
Q And then, of course, if they have to examine it for whatever testing or examination they are going to do, that's when the first time this evidence envelope is opened?
A Yes. If at any time there is a problem with the receipt, be it if you missed a signature on a receipt or if you have 30 envelopes of evidence and one of them does not have the seal on it, you'll get a call, a page, an email, they won't touch anything until you respond back down there to fix it before they will accept it as evidence.
Q So the lab is charged with the duty of checking the chain of custody making sure that is

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all copesetic?

A Yes.

Q Making sure the envelope is sealed and has not been tampered with?

A Yes, ma'am.

Q And then after you have delivered your evidence items to wherever they're going to go, the lab, property control, and property control for the sake of explaining to the jurors, what is property control?

A Property control, obviously, the name explains a lot, they control the property. But they primarily take pieces of evidence that are not going to be tested by the forensic lab and fingerprints for that matter.

If it is a recovered stolen bicycle from the back of someone's yard, that's not going to go to our lab for DNA testing, that's going to sit in property.

Q It is what we would think of as an evidence room?

A Exactly, yes.

Q So after you have delivered the items of evidence to wherever you are going to send them to and let me ask you this, at some point there is

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another officer who is in charge of the investigation, would that be fair to say?

A Yes.

Q And do you also take instruction from that officer on various parts of what you're doing?

A I'm assuming you are referring to like a detective that's doing the lead part of the investigation.

Q Right.

A They are oftentimes given more information, especially throughout the course of an investigation than what we would typically have at the scene. They are initially outside interviewing witnesses and other people, be it even a suspect and/or victim.

At times what they will do because I'm given basic information when I show up to the scene, I'm typically not privy to the ongoing active investigation.

So other detectives, be it homicide detectives or anybody else would come into the scene and go hey, we just found out this. Can you look for this.

And then I may have a piece of evidence that I already collected that I deemed

important to the case, or I assumed it might have something to do with it, and I would think to send it to the DNA lab.

Well, they may find out something and say can you go ahead and send that to firearms first before it goes to DNA, can you send this to fingerprints before going to DNA or vice versa.

So they come in and ask certain things or ask that things be sent or certain things be collected that I may not have known about initially.

Q So, for example, while you are on the scene, a detective may come up and say, hey, the guy just told us he threw the knife in the sewer, now he is going to cause you to go look in the sewer to see if you can find the knife?

A Yes, ma'am.

Q After you delivered all your items of evidence, then do you make a report?

A I do.

Q And your report is documenting what, everything you have done at the crime scene; is that correct?

A My reports are not narrative filled, like typically police report it is basically an inventory

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list. It is three sections or sometimes four, depending on what I do at different scenes. The first section is an inventory of the photographs that I took and what they show.

The second section if I took latent fingerprints or developed prints, I would list where I found each print, the third section is just a list of the evidence I collected and where it was collected, what the evidence item is and where it was collected and the fourth list, the fourth section would be if I took video or did diagrams of the scene, which is me listing those things as pieces of evidence.

Q Okay. And so lets get to the investigation that occurred at the scene of the shooting of Michael Brown. And so you were on duty on August 9th of 2014; is that right?

A Yes, ma'am.

Q And about what time did you receive a call that you were needed to respond to the scene?

A Shortly after 1:00 p.m.

Q And where were you when you got that call?

A I was actually northbound on I-270 around Highway 40.

Q So how long did you go directly to the

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scene?

A Um, I switched my radio over to the muni north radio, which dispatches for the Ferguson area, not for Ferguson, but for the munis in that area. And I heard several reports of gunshots being fired near the crime scene, so I stopped and put my vest on.

Q Okay. What was the call involved in the shooting, what information were you given when you first got the call?

A I was told that it was an officer involved shooting with a Ferguson officer and Ferguson had requested St. Louis County Crime Scene to respond.

Q So this incident happened within the city limits of the municipality of Ferguson, correct?

A Yes, ma'am.

Q And typically that would not be a jurisdiction that you would investigate in, they would have their own police department, correct?

A They do. They handle burglaries and stuff like that. We typically do not go in there for property crimes.

Q But in this case being an officer involved shooting, was it unusual for a municipality to reach out to the County and ask for their assistance or

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ask them to take over the investigation?

A No, ma'am. We handle those type of calls for any municipality that ask. We also handle those calls for any department that uses the Major Case Squad.

Q So when you said that you, on your way, heard on the municipal radio channels that there were shots fired, are you talking about shots that were being fired after the officer involved shooting occurred?

A Correct.

Q So that caused you to decide to stop and put on your Kevlar vest?

A Yes, ma'am. I stopped almost immediately, once I got it put on, I drove directly to the scene.

Q And so what was the location of the scene?

A I was given the address Canfield.

Q So how is it that from where you were driving you eventually travel onto West Florissant; is that correct?

A Yes, that's the round I took.

Q And then from West Florissant you turn onto what street to get?

A You can turn directly onto Canfield and West Florissant.

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Q So from West Florissant when you turn into Canfield, that's a residential area, isn't it?

A Yes.

Q And after you travel some distance, not terribly far, you reach an apartment complex, correct?

A Yes, ma'am.

Q What's the name of that apartment complex?

A I honestly can't tell you. I would just assume it was the name Canfield apartment complex.

Q So when you arrived, turned onto Canfield, did you notice a crowd?

A Immediately. The distance from West Florissant to the scene, if I can recollect, is probably less than half a mile. And it is a residential street, all the houses have driveways, I have been on that street before. There is typically not a bunch of cars parked on the side streets and stuff like that, but as soon as I turned onto Canfield, I encountered traffic basically at a standstill.

There was some officers that were directing traffic near the first cross street because people were pulling in, being told they can't drive through, trying to turn around and it

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was a little bit of a mess when I showed up.

Q Were there also a number of first responders there?

A Several.

Q Police cars?

A Yes, ma'am.

Q Ambulances or were they already gone?

A I can't testify to that. I don't remember if they were there or not. I know there were several police cars and hundreds of pedestrians.

Q Hundreds of pedestrians outside of the police?

A Yes, ma'am.

Q This is in the middle of day, correct?

A Yes, ma'am.

Q Daylight hours?

A Yes, ma'am.

Q Was it raining?

A Sunny, nice weather.

Q So after you made your way through that initial crowd, did you arrive at an area that was taped off and you determined to be the scene of the crime?

A Yes, ma'am.

Q And so, what is it that you first did when

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you arrived?

A I first sought out whoever it was in charge. I saw some other officers and sergeants from my own department and I obviously made my way over to a group of people that were talking. They were expecting me and I just asked, simply asked can you tell me what's going on.

Q What information, when you say a group of people, you talking about police officers?

A Yes, ma'am.

Q You didn't talk to any witnesses?

A No, ma'am.

Q Or anybody in the crowd?

A No.

Q And so what did the officers tell you?

A They told me that they had an officer involved shooting. They were pretty brief with me initially stating that the officers car is down there and at the other end of the street is the victim.

Q When you, now, the initial call that came out for this, do you recall was this, how is this determined initially?

A I was told officer involved shooting, that would be the typical term they would use when

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talking to me on the phone.

Q Now, several of the items that you have packaged and also marked, you write or have indicated assault on LEO?

A Correct.

Q What does that mean?

A At my point in the investigation it is obviously right when everything starts and charges, determinations, names assigned to things aren't necessarily set in stone. So during my initial investigation, we are investigating an assault on a law enforcement officer.

Q Were you told when you initially arrived at the scene that there was some type of altercation involving an officer and the deceased?

A Yes, ma'am.

Q And was that described as an assault?

A Correct.

Q So when you began this investigation, you were characterizing this as an assault of a law enforcement officer, correct?

A Yes.

Q Is that in any way meant to be your opinion of what happened or who was a victim in this case?

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A No, ma'am. Any time I'm involved in an officer involved shooting, be it a fatal one or nonfatal, it is always during my initial investigation listed as an assault on law enforcement.

Q And so on various evidence items that you package on these sheets, you list a victim name?

A Correct.

Q And when you began this investigation, who was your victim name on these packages?

A Officer Wilson.

Q That would be the Ferguson officer?

A Yes, ma'am.

Q Again, is that in any way supposed to be some kind of comment on whether you think who was the victim of this incident?

A No, ma'am. That's how, when we list assault on law enforcement, he was the victim of the assault that we were initially investigating.

Q Okay. So did you immediately learn the identity of the deceased?

A We had a preliminary ID. There was no form of positive investigation when I started my investigation.

Q Okay. And so after having talked to the

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officers about what happened, what's the first thing you did in this case?

A One of the sergeants with Ferguson give me a brief walk-through to start my investigation so I can have a logical starting point from where I would start my video, photographs and looking for evidence.

Q So eventually you did a diagram of the crime scene is that correct?

A Yes, ma'am that's the last thing we do before we leave.

Q So given that it is the last thing, but I'm going to use it initially as one of my first things to help the jurors understand what is going on, but as I turn off of, as you enter the apartment complex and at the point where the crime scene is, Canfield is basically a straight street, correct?

A Yes, ma'am. Where this entire scene occurred is a straight stretch of road.

Q And is it a paved road?

A Yes.

Q Is it marked with any paint or lane parkers?

A It has a center lane marker, yes.

Q And is that a double yellow line?

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A Yes, ma'am.

Q And is this a street where there's a single lane of traffic that proceeds in opposite directions?

A Correct.

Q And Canfield is a street that goes east and west?

A Yes, at that point.

Q Okay. It is a curvy street?

A Yes.

Q But at the point where your crime scene was, it is straight and it pretty much is an east to west street?

A Yes, ma'am.

Q And when you started your walk-through with the Ferguson officer, did he direct your attention to Officer Wilson's vehicle?

A Yes.

Q And where, in relation to the deceased body, was the vehicle, was it --

A The west end of the crime scene.

Q Okay. And then further east down Canfield then was the deceased?

A Correct.

Q And so when you began your walk-through,

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did you start on, what end of this crime scene did you start at?

A Everyone that I spoke with, the Ferguson officers and my own department, we were on the east end of the crime scene near the victim or the deceased as it were.

Q Yeah, because I don't want to get confused using the term victim because some of your things are --

A Yes, ma'am, they are.

Q Marked victim is Officer Wilson. So let's talk about deceased or Michael Brown in that term.

A Okay.

Q And then any officer, the Ferguson officer by his name, okay?

A Okay.

Q If everybody doesn't know as of yet, the officer that was identified to you as being involved in this shooting was Darren Wilson; is that correct?

A Correct.

Q

A Okay.

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Q So the vehicle was on the west end of the crime scene, Michael Brown's body was on the east end of the crime scene?

A Yes.

Q So when you began your initial walk-through, you started where the body was?

A Yes, ma'am.

Q Are you videotaping at this point?

A No, ma'am.

Q When you are doing the walk-through then, did you notice that there were already items of apparent evidence or things of interest that had already been marked?

A Yes, ma'am. There are a lot of times classes that are offered at their own police academy, basically road officers responding to homicide scenes.

It is not only training, a lot of times kind of fall backs on common sense. If there is something, be it a shell casing or piece of clothing that you know is part of evidence or evidentiary value, most anyone will typically mark that, be it with a piece of crime scene tape or traffic cones, they will set stuff near items just so one, it is marked and they know where it is at.

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Two, so someone doesn't accidently step on it or kick it or move it.

Q So did you notice that there were a number of traffic cones that were already in this scene?

A Yes, as part of the walk-through they would say that cone over there is marking what we think is a projectile or that traffic cone is marking a shell casing and they would just point things out to me as we were walking through.

Q All right. And so after you did this walk-through, did you walk the length of the crime scene going then west and then returning east to where the deceased was?

A Yes, ma'am.

Q And also, just for the record, the street of Canfield at this point, are there sidewalks on either side of the street?

A Yes.

Q And there are apartment buildings, this is a complex that has a number of apartment buildings, correct?

A Yes, ma'am.

Q And the apartment buildings have parking lots?

A Yeah.

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Q And there is entrances to the parking lots, there are streets that are coming off of Canfield, correct?

A Yes, ma'am.

Q So after you did your walk-through, what's the next thing you did?

A Um, typically at that point we would go back, my van was parked on the west end of the crime scene just west of where Darren Wilson's vehicle was at. We would go back there, I would prepare my video camera, you know, get a new memory card put in, write some notes down and at that point typically start my video walk-through of the scene.

Q Is that what you did in this case?

A No, ma'am.

Q Why not?

A As far as the exact times, I couldn't tell you, but during this time when we were heading back to my car, another round of gunshots were fired and extremely close proximity to the crime scene. There was obviously a large crowd reacting to that as well as a police reaction to it.

And the decision was made almost immediately to kind of hold, make sure that our crime scene is secured. I have to be able to

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concentrate what I'm looking at and trying to collect, versus trying to watch the crowd behind me that's growing ever bigger and more angry by the minute.

Q And so there was a break in your investigation until you were comfortable that the crime scene was secured; is that right?

A Yes, ma'am.

Q Is anyone else processing the crime scene or do anything else or touching in the crime scene while you take that break?

A No, ma'am. All the manpower there was utilized to try to secure the crime, just secure the perimeter of the crime scene. We had officers 10 feet apart, 5 feet apart every inch of the crime scene tape trying to keep people out of it.

Q These were county officers, were there Ferguson officers?

A County officers, Ferguson officers, I guarantee you there were other neighboring municipality officers that were there.

Q Approximately if you had to guess, how many police officers were on the scene?

A 50, 50.

Q Is that unusual in your experience?

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A Very unusual.
Q Had you ever had a scene like this before?
A Never.
Q And so after this break until you were comfortable about the crime scene was secure, did you begin your video walk-through?
A I did.
Q And so are you the one who operates the camera?
A Yes, ma'am.
Q And do you shoot the video continuously during your walk-through or do you stop it at certain points?
A Once I start the actual scene video, I do continue one continuous video.
Q Did you do that in this case?
A Yes, ma'am.
Q Now, you mentioned that typically as you are going, is there audio on the video?
A There is.
Q You are not narrating anything?
A No, ma'am.
Q And so you can hear things in the background, but you're not speaking on the video?
A Correct.

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Q Any other officers that are narrating what's going on?

A No, ma'am.

Q And so after you did this video walk-through, again, where did you start the video walk-through?

A I believe if you want to look at the picture of the crime scene as a rectangle, I started at the southwest corner, moved east to northeast to northwest in a counter clockwise motion.

Q Okay. I'm going to hand you what we have marked, and I want to make something clear on the record, I believe the last time we met there was one item that was marked as an evidentiary item, it was a report for that witness. Just because to make it clear, that was, I think, marked State's Exhibit 1, which is typically what we do in cases. But because this is a grand jury exhibit, we're going to use different, call it something different.

So we will at some point re-mark that report, which was State's Exhibit 1 and that will be Grand Jury Exhibit 1. Okay, it is State's Exhibit, it has the typical red sticker that has State's Exhibit, but it will say GJ 1. We are going to mark all of ours GJ and then a sequential number.

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So I'm going to hand you what I have marked as GJ 2.

(Grand Jury Exhibit 2 marked for identification.)

Q (By Ms. Alizadeh) That's a two page document. Do you recognize that?

A Yes, ma'am.

Q Is that your diagram of the crime scene?

A It is.

Q And that's the top page, correct?

A Yes.

Q And then the second page, what is that?

A Page two is a legend and it has measurement details and starting points and measurements.

Q Okay. And does this represent the crime scene that you diagrammed on that day?

A Yes.

Q As I'm not offering a piece of evidence like I would in trial, I'm just going to put it up here for your benefit. And I'm going to have to move this for a second. I'm also at this time going to pass out copies of this diagram and the legend that's attached to it. And as I said, if you would just put your on it somewhere in the

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corner and try to avoid making any marks on it or notes.

These numbers, these things are kind of tiny, it might help if you can look at your own version, your own copy.

Can you see okay from where you are sitting?

A I cannot see the left-hand side of it.

Q Okay. If you would bring your chair, maybe sit next to here. I don't want you to block the view, I'm going to get out of the way too once I get this situated.

As best I can show that, can everybody see it? I'm going to move out of the way.

So I put GJ 2 up on a projector so it is displayed on the wall. I have a laser pointer and so do you, Detective

A Yes.

Q Can you describe, this is the street you are talking about Canfield, correct?

A Yes, ma'am.

Q And we see a directional arrow at the corner at the top right?

A Yes, indicating north.

Q Okay. And so if you were to drive in this

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direction, you are going west?
A Correct.
Q Toward West Florissant?
A Yes, ma'am.
Q As you drive in this direction, you are driving east, deeper into the apartment complex?
A Yes.
Q And it eventually comes out and goes?
A A subdivision, I think it goes into another apartment complex and then into a subdivision.
Q Okay. And so when you arrived, you have listed or diagrammed here what is a vehicle?
A Yes, that is Darren Wilson's police car.
Q And then you also diagrammed what appears to be a body?
A Yes, that is Michael Brown's body.
Q And then these boxes that are here that have numbers, it says Canfield?
A Those are the two apartment buildings that we used as reference points for areas that we collected items of evidence. I can note out the addresses on here, I have it listed and , from west to east. They are actually descending, so both of these buildings, while they are one

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building, it contains two addresses.

So the first address, this side off the left hand or west end would be , the east end would be . So it is descending from west to east.

Q Okay. So now what is this object here that you've drawn?

A This is an entrance to a parking lot and this is actually kind of a grassy hill.

Q So a vehicle could pull into this area here and enter a parking lot?

A Yes, ma'am.

Q And then what about this right here?

A Same thing, this is a, this is an entrance to a parking lot for this building, this is an entrance to the parking lot for this building, and this right here is another entrance to a parking lot for a building.

Q So where you've got an arrow points to Copper Creek Court, that is a driveway that enters a parking area?

A Yes, ma'am.

Q That residents would park?

A Correct.

Q And so when you are beginning to process

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your crime scene, you start, do you start by taking measurements?

A No, measurements are the last thing that we do.

Q Okay. And so in this particular case after you completed the video walk-through, what do you do next?

A Um, after we do the video walk-through, I would take overall scene photos of exactly how the scene is when you arrived before placing down placards or anything that I would do to assist in my investigation.

Q And so you take those photographs yourself?

A I do.

Q And is that, do you use a department issued digital camera to do that?

A Yes, ma'am.

Q Does that camera have a memory card?

A It does.

Q And after you take these photos, what do you do with the memory card?

A The memory card is placed into a photo envelope and then taken to our departments photo lab.

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Q Now, when you're processing the crime scene and you are taking photographs, do you ever delete a photograph like if you take it and you look at it and you see that's blurry or doesn't show what you wanted it to show?

A No, ma'am. When the flash goes off, that picture is what it is.

Q And so if you hit that shutter button 300 times, you have 300 pictures that you send to the photo lab?

A Yes, ma'am.

Q Whether it comes out blurry or unrecognizable, it is going to be printed, correct?

A Right.

Q So after the photo lab, and then let me ask you this, do you edit those photos in any way, do you on your camera, do you use color contrast or do anything to edit the image that you are taking?

A No, ma'am, I do not.

Q And after that card then goes to the lab, does the lab print up your photos?

A Yes.

Q Do they call you up and say hey, Matt, photos are ready?

A For homicide scenes, part of our protocol

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is we stamp each individual photo as an official photograph, but yes, they download our photographs from our memory card to their servers and then for homicide scenes and other various scenes where stuff is requested they print out 8 X 10s that we come down and stamp.

(Deposition Exhibit Number 3 marked for identification.)

Q (By Ms. Alizadeh) Okay. So I'm going to hand you what I've marked as GJ 3, which is a yellow envelope. Do you recognize your handwriting on that?

A Yes, ma'am.

Q And when you received that, did that envelope contain photographs?

A I filled out this envelope and I put the photographs in here.

Q And the photographs that you put in there, were they the photographs that you took on the scene at Canfield that day?

A Yes, ma'am.

Q And you looked at each photograph individually?

A I did.

Q And stamped them with your stamp?

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A Correct.
Q And initialed them and number each one individually, correct?
A Yes.
Q On the outside of that envelope, does it say how many photographs you took?
A 161.
Q Did you go through those photographs and assure yourself that there are 161 photographs in there?
A Yes, ma'am.
Q I'm going to remove these photographs. And these photographs are not individually marked with stickers. So I'm just going to hand you the stack first and you had indicated that you put your stamp on the back?
A Yes, ma'am.
Q And typically write the number and your initials, you didn't on that one?
A I didn't put the initial on that one.
Q Okay. Let's look at the first one and this is depicting what?
A This would typically be your first and last picture and anything that's seen, it is crime scene information board.

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Q And so I'm going to put this up there. This has the date, the complaint number, which is what, what's the complaint?

A Complaint number is basically your report number. I particularly put the county complaint number, which is denoted by our municipal code, which is 99, so our report number would be 99-14-43984. The smaller number you see lower right is Ferguson's complaint number, their mini code is 33-14-12391.

Q The 99 is for county number?

A That denotes county number.

Q 33 is Ferguson?

A Yes.

Q And 14 is 2014?

A Correct.

Q Whatever sequential number is the next one up in the hopper is the number you get?

A Yes, ma'am.

Q So you've indicated the incident assault on LEO?

A Correct.

Q And then detective DSN, that stands for?

A Departmental serial number, which is slang for badge number.

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Q Each officer has their own DSN?

A Yes, ma'am.

Q You are ?

A Correct.

Q Now, just so the jurors can see, I'm going to turn this over and you said that you stamp each photograph with your stamp and it says initial photograph St. Louis County Police Department Detective and your DSN, correct?

A Yes, ma'am.

Q And then it says badge number?

A Image number.

Q Image, okay, and then your initials?

A Correct.

Q So there you have written the number one?

A Yes.

Q And neglected to put your initialed on there?

A I did.

Q But you recall taking this photo of the placard, correct?

A Yes, ma'am.

Q Now, I want to draw your attention also because this will become information later, there's some printing on the back of this photo that looks

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like it is computer generated?

A Yes.

Q I'm going to turn it around because it is upside down. Does this printing print out on each photograph as it comes out of the printer at the lab?

A It does.

Q So it says on there SLCPD, that's St. Louis County Police Department, correct?

A Yes, ma'am.

Q And then it says DCS, and then there's a four digit number?

A Correct.

Q And on this photograph it says 0001?

A Yes, ma'am.

Q And the one is circled, did you circle that?

A I did.

Q And then it says dot JPG?

A Yes.

Q And then it says 0001 again; is that right?

A Yes.

Q So the printing that appears on the back of each photo, does it sequentially number these as

0001 and then the next one in order would be 0002 and so forth?

A As far as the DSC number, that's the number of the photograph on the file card. So this picture is number one, the next picture would be number two.

Q Okay.

A The second number that you see 0001, those are not always going to be in sequential order for this stack. Different things number, this one printed up three separate copies. So while this picture will always be number one, the next picture may have number four or number eight, whatever number that photo was print off.

If they printed up four photos of that one, it would also be DSC1, the second set of numbers could be 001 through 4, depending on which number it was in the stack.

Q Okay. So the number that you circled, which is the first number, that's what we are talking about, this is your first photo?

A Yes, ma'am. There are several ways to stamp the back of these. Some officers just use the official photograph stamp and would just circle that number as the image number.

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Q So when you went through each of these photographs, did you check to make sure you had each of the 161 photos in sequential order?

A Yes, ma'am.

Q And then after determining that, you put your initials typically and you write the number on the photograph?

A Yes, ma'am.

Q Not every detective does that?

A No.

Q So we're just going do go through these. That was Image Number 1, which was your placard that you do at the beginning of every?

A And the first and last photographs.

Q Okay. So I'm going to put up here, I'm not going to do this on everyone, but just to show you guys there's the number two, correct?

A Yes.

Q And then again on this photo it has got 0002 on there?

A Yes.

Q This is the second picture you took, correct?

A Yes, ma'am.

Q And after having looked at all of these

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photos, do you feel that these photos accurately depicted the scene as you saw it that day?

A For the most part, yes, ma'am.

Q Okay. I want to make sure I get the whole photo. There we go.

And so in Image Number 2, can you describe what is depicted there? And you can use your pointer if you want.

A Okay.

Q I'm going to get out of the way.

A This would be the first photo that we took after the initial walk-through and the walk-through with the video. Some of the things that this video shows overall number one, here is where my crime scene van is parked. The traffic cones that you see are things that were set in place prior to my arrival.

Different pieces of evidence, Ferguson officers or anyone else officer wise that were there that knew part of the story of the scene would denote that, you know, just kind of make sure hey, this is where this is at or make sure no one steps on it or moves it.

Q Let me stop you here, Detective.

A Yes, ma'am.

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Q I know some of you on the end may not be able to see the entire image because of the way that screen is recessed into the wall. So first of all, these photos will all be available to you to handle and look at at any time you want to see them, but if you feel that you can't see, you want to move your chair around here and again, if you are asking questions, just state your juror number, it doesn't matter if you are in order, just as long as you state your juror number.

A So this perspective where I'm standing is also where I started the video walk-through. It is the southwest corner of the scene.

You can see this is Officer Wilson's car, down here you can see another Ferguson vehicle and another Ferguson vehicle down at the eastern end. Those are cars that were there when I showed up to start my investigation. So again, when I show up, I try not to move anything because I photograph how I come into a scene.

Those vehicles were not there at the time of the incident, they were placed there by Ferguson officers to help secure a crime scene and to block views of Michael Brown's body.

Q So Michael Brown's body is in between

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those two Ferguson police cars and those are SUVs, correct?

A Yes, ma'am. And you can see the corner of an orange body screen between the two cars, that is something that I set up after my arrival to assist in blocking views.

Q Why do you do that?

A A number of reasons one, privacy. Two, seeing a dead body in the middle of the street is often disturbing to a lot of people. It is out of respect for the victim, out of respect for the family, out of respect for everyone to just kind of take away a visual sign of stress more than anything.

Q You learned at some point that family members of Michael Brown had arrived at the scene, correct?

A Yes, ma'am.

Q Were they allowed to enter the crime scene?

A Initially, no. I think towards the end, not towards the end, but when the medical examiner had arrived and were getting ready to move the body, I believe Michael Brown's father, I think, but a family member was allowed to step inside while we,

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the crime scene, while we removed his body as part of the investigation.

Q So keeping anyone out, including family members, that's all because you want this crime scene to be as pristine and undisturbed as possible, correct?

A That's our goal, yes.

Q And so at this point, about how long into you being on the scene are we now?

A If I arrived 1:15 or so, probably find the time stamp on this photo, it is no less than an hour after I arrived just because in between this photo being taken and my arrival was when the gunshots were fired a second time close to the crime scene and everything was put on hold.

Q Now, this shooting occurred at approximately what time?

A I think I was told 12:14, 12:15.

Q A little after noon?

A Yes, ma'am.

Q And were you present when the body was removed?

A Yes.

Q And would it be fair to say that it was almost four hours later before the body was removed?

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A Yes.

Q Is that unusual that a deceased person would be left at the scene for that long of period of time?

A No, ma'am, that is fairly common, almost routine.

Q And in this case, you mentioned that there were a number of times where everybody had to kind of stop what they were doing because the scene was becoming dangerous?

A Yes, ma'am. Not only do you have to take into the fact what we were dealing with at the scene security and personal safety, but St. Louis County, who was requested to the scene to investigate, we were not notified until almost an hour afterwards. If you look at the time of four hours as a whole, we only got there a little after 1:00 to start our investigation.

Q Okay. So now in the photograph, I would imagine it is fairly clear to everyone, this is the driver's side of this vehicle, correct?

A Yes, ma'am.

Q And it is facing west, towards West Florissant, correct?

A Correct.

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Q If everyone can look at your diagram, you diagram that as the vehicle, the rear left tire is over the double yellow lines; is that right?

A Yes, ma'am.

Q Now, this tape that's wrapped around this vehicle, did you put that tape on there?

A No, ma'am.

Q All right. Would you have typically done that?

A No.

Q So that was done before your arrival?

A Yes.

Q Okay. And so you left it there and that's how you photographed it?

A Correct.

Q That's how it was when you got there?

A Yes.

Q And then these cones you talked about, these were placed before you got there?

A Yes, ma'am.

Q And during your walk-through with the Ferguson officer as you said, would you say why these cones were placed in various locations?

A Yes, ma'am.

Q If you all have a question about a

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particular photograph, rather than having to say can we see that one again that had the blank, blank, blank, ask it now, probably make this go smoother. Yes?

: , this may be answered later, I don't know. I just want to know why is the door closed, do we have any idea why the door of the SUV was closed or was it reentered?

MS. ALIZADEH: That will probably be addressed by other people. This detective wasn't present beforehand and as he had said, his statement is this is how it was when he got there. So there will be other witnesses who are going to be called to testify being first on the scene, what they saw, whether they photographed anything, but that's the way he observed it.

Any other questions about Image Number 2?

Q (By Ms. Alizadeh) Image Number 3, again, it has got your three on there. Describe what that image shows?

A This is kind of, I moved slightly east from the first viewpoint, and typically what I would do when I'm photographing an overall scene photograph, I would stand in one spot and just pan my camera taking this angle, I twist, this angle,

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twist, twist. So if you can picture laying four pictures out side by side, you would get, in essence, a panoramic view of the scene.

And I would do this at this point, in the middle of the side of street, at the other end, go to the other side and just do the same thing. It is called bracketing photos.

Q Okay. And so this is just a slightly different angle from the previous image. You see your that's your van there?

A Yes, ma'am.

Q On the left side of the image, correct?

A Correct.

MS. ALIZADEH: Okay. Anyone have any questions about this?

Q (By Ms. Alizadeh) Image Number 4.

A Again, this would be, the left side of this picture would be the tail end of Darren Wilson's car, again, looking farther east.

Q Okay. Now, I think if you can see, this is crime tape; is that right?

A Yes, ma'am.

Q Police tape, and does it appear that there is police tape back there as well?

A Yes, initially when we arrived, this first

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piece of crime scene tape was the barrier to the crime scene. After several people had torn down the crime scene tape, run onto the scene, the gunshots being fired, the crowd would run from this building in particular from this side of the crime scene, around this building, through the parking lot to this side of the crime scene, depending on what was happening.

We had an opening where the crowd had run to the eastern end of the crime scene. So several people moved or put up a new set of crime scene tape farther back into the parking lot to try to keep people farther away from the crime scene.

Q Okay. So that was done not because you determined that somehow this area was now a part of the crime scene, it was done to keep the crowd from encroaching upon the crime scene?

A Yes, ma'am.

Q So there's no particular processing of this scene, you didn't suddenly say I'm going to go and photograph and walk around this area?

A No, ma'am. The only thing I think that we did in that area was film a witness' perspective with our video cameras and that is even farther back from where that crime scene tape is set.

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MS. ALIZADEH: Anyone have any questions about this image?

Q (By Ms. Alizadeh) And this is image number five. Can you describe for them what you're seeing, what this image depicts?

A From this angle, I think you are going to start to see that I am in the middle of what I would deem the crime scene looking east on the south side, I'm sorry, looking west from the south side of the road, and I will start kind of a pan from my left to my right.

Again, you can see Darren Wilson's police car, the cone that had been set up, my crime scene van and then I had mentioned before my crime scene van was just inside the initial crime scene tape. You can see a crowd of people gathering there on top of this hill and, of course, you can see the amount of vehicle traffic that is now blocking Canfield.

Q Okay. So the first series of photos you were closer to this area to where this police officer is, and you walk down here and take another series of bracketing photographs?

A Yes, ma'am.

MS. ALIZADEH: Any questions about that?

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Q (By Ms. Alizadeh) Number 6.

A Similar image as before, I had just tilted a little bit so now you can see Darren Wilson's car is on the left side of the photo and I'm panning to my right, or to the east.

Q Image Number 7?

A The center of the crime scene. I am basically in the middle looking from south to the north across Canfield.

MS. ALIZADEH: Any questions?

Q (By Ms. Alizadeh) Image Number 8. Can you describe what you see in there?

A Same scene or same location, I've now turned further to the east. This is, I believe this is Caddiefield, at the intersection of Canfield and Caddiefield. A Ferguson police car, an SUV was not described to me, was not there at the scene, it was put in place to block the body.

Where the white sheet is laying between this police car and the orange body screens is Michael Brown's body.

I'm not sure what department vehicle that is, again, it is a police SUV used to block this street and to assist with security at the crime scene.

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Q So the two vehicles you see in this picture as far as you know had nothing to do with the incident?

A Yes, ma'am.

Q Image Number 9.

A Now, I'm now standing, if you get the perspective, the Ferguson SUV that was in the middle of the street is directly to my right now. I'm looking back west on Canfield. This is Officer Wilson's SUV.

MS. ALIZADEH: Any questions?

Q (By Ms. Alizadeh) Number 10?

A Same view, I've stepped into the street a little farther this time. You can see this is the back of the vehicle that was blocking Michael Brown's body.

Q 11?

A Standing in the same place looking east. I turned my camera to the north, that's the tail end of the same vehicle that you saw in the previous picture.

Q So this is looking north as you are standing on Canfield?

A Correct.

Q And so Michael Brown's body would be

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outside of the frame on the right?

A Yes, ma'am.

Q Image Number 12.

A I've now turned, same viewpoint looking to the east. You can see the Ferguson police vehicle blocking this end of the crime scene, several cones that were placed out prior to my arrival marking evidence that they had located. Under the sheet is where Michael Brown's body is located. The sheet was also placed there prior to my arrival.

The orange body screens are things that I added to the scene when I arrived to assist in our investigation.

Q From your perspective, the other Ferguson vehicle that was blocking the scene was in this direction; is that correct?

A Yes, ma'am, it would be over my left shoulder.

Q That hasn't been removed from the scene?

A No, ma'am, it is still there.

Q Number 13.

A Same standard view, I've moved from the street level back across the sidewalk to show a wider perspective. Again you see, you get a better look at the different cones were set up marking the

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evidence around it.

Q And just to clarify, this here is that Copper Creek Court on your diagram?

A Yes, ma'am.

Q So vehicles can drive up here and park back here, right?

A Yes.

Q Number 14?

A Standing further east looking back west you can see now that there is crime scene tape between this, my viewpoint and Michael Brown, give you a wider, overall perspective of the crime scene.

Q You are still looking west on Canfield towards West Florissant?

A Yes, ma'am.

Q So this vehicle, again, is not involved in the crime scene, it is blocking?

A Correct. The vehicle that you see in the far end of this photograph that's angled is Officer Darren Wilson's car.

Q Now, in the image, what is this thing right here on the ground?

A This is a sand weight that is used to weigh down these body screens. They are made out of extreme light PVC and cloth, so any type of breeze

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would move them. You can see that there are several weights holding down the feet of the body screens that are up. This is one that was just left there while we were there.

Q That is yours?

A It is.

Q But not part of the crime scene?

A Correct.

Q Number 15?

A Same viewpoint. I think I just turned a little bit to the north side again because in the last picture, you could see Officer Darren Wilson's car to the far end, I'm just panning to my right.

Q 16?

A I've now moved to the north side of the street and I'm looking south. This is the car that was used to block the view of the body, the body screens that I assembled and set up. Again, the body screen weight that was left at the scene, Michael Brown's body is behind these screens, this is Caddiefield that you can probably see in your diagram, I think.

Q And now we see the crime scene tape along here and running across here. These people back here are just a part of the crowd that's gathered?

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A Yes, ma'am.

Q Approximately how many people, if you had to guess, bystanders that were just there?

A In that photograph?

Q Just overall?

A Altogether, 3 to 400.

Q I'm going to show you Image Number 17.

A Same viewpoint, on the north side of the street looking south. Again, the body screens and then this vehicle here is Darren Wilson's police car.

Q Now, at any time during the time you were processing the scene, did you feel that anybody, whether it was a police officer or a citizen in any way suggested that you not perform your duties the way you thought they should be performed?

A No.

Q Were you ever told don't photograph this or in any way did you feel that someone was trying to influence you to do something other than what you felt you would typically do?

A No, ma'am, not at all.

Q Looking at Number 18.

A Same viewpoint, I've now turned almost completely east. This is the vehicle blocking

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Michael Brown's body. His body would be just to the left out of frame and this is Darren Wilson's police car.

: . I have a question, are you by yourself as you are walking around doing these photographs or anybody with you?

A During the video process of it, since it is a continuous video, at this particular scene I typically would have one person, another crime scene detective that is assisting me walk with me, basically with a hand on my shoulder making sure I don't trip over something in a hallway or a street, because I'm looking directly at that view finder so I can get the perspective I want to.

This particular case there was, I was running the video and I had three other crime scene, two other detectives and my detective sergeant. One was guiding me so I didn't trip or step on anything, the other two to get the perspective for the video. I had to get very close to the crowd. So the two people that were assisting him were making sure the crowd wasn't going to grab, push, throw, do something to us.

Okay.

A Short answer no, I don't do videos by

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myself, photographs I do, I do by myself.

Q (By Ms. Alizadeh) You make the determination in what's being photographed, nobody says take a picture of this, don't take a picture of this?

A Correct.

Q They might point out?

A They can point out something that they would like to have a photograph of as part of their investigation. But never have I been told don't photograph this.

Q Okay. Number 19?

A This is from the same view point as the previous picture. We use 18 to 35 millimeter lenses. I just zoomed in to the 35 millimeter to show perspective of Darren Wilson's police car.

Q Number 20?

A Yes. From the last perspective I have was standing here looking almost directly east. I've now moved to the center of the north side of Canfield looking back east. Again, Caddiefield is, that's the street sign for Copper Creek Court and then Michael Brown's body.

Q So Darren Wilson's vehicle is down this street to the right?

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A Yes, ma'am.

Q And that's 21, I believe, let me look.

A Yes.

Q Yes, 21?

A Same perspective. I've now twisted to my right. Caddiefield Court would be to your left. You can no longer see the street sign just looking to my right.

Q Number 22. You want to hand them to me?

A I can, I can probably put them up on this.

Q You want to do that?

A I can.

Q This is number?

A 22.

Q 22. That will make it easier.

A Same perspective. The vehicle that was in view in the previous photograph is partially cut off. I'm panning farther to my right showing my bracketed part of the scene. Any questions?

Photo Number 23. Same as before, turning farther to my right. Now you can see Darren's police car within the scene and the cones marking different pieces of evidence.

Number 24. Almost the exact same photo as before. I think I may have zoomed in to

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show the area which we were looking at.

Number 25. I didn't initial it. As the perspective goes from the diagram, I'm now standing on the northwest corner of the crime scene looking east, Caddiefield is on your right, Copper Creek Court is here on your left, and then the two vehicles that were blocking Michael Brown's body.

Number 26. Same perspective just, turning to my right bracketing the photo.

Number 27. Turning farther to my right, you can no longer see the two vehicles that were blocking the body and this is the center of Canfield.

Number 28. I'm on the north side of the road facing almost directly south in the middle of the crime scene. You can see on the right-hand side of this photograph, the back end of Darren Wilson's police car that has the crime scene tape applied directly to it. The crime scene tape that you see on the ground again from one of the earlier photos, that was one of the crime scene tape officially put after the crowd moved. They were able to take that down and move that crime scene perimeter back.

Number 29. Panning to my right

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further, the previous picture you could see the tail end of the car. Here again is the police car in its entirety and the tape had been torn down.

Number 30. I've now moved farther to the west. Still on the north side of the street, this is the front end of Darren Wilson's police car.

Q Now, let me stop you here. As a part of the scene like this type of scene, if you had noted or scene, for example, tire marks, whether they are skid marks or marks in the grass indicating possibly, you know, the travel of the vehicle, the speed it was traveling and so forth, and you're not an accident reconstruction person, correct?

A No, ma'am.

Q If you had seen tire tracks, like skid marks around this vehicle, would you have documented those?

A Yes, that would have been something that I would have recognized as probably important to the scene. No tire tracks of any sort, any skid marks or I didn't notice any and none were brought to my attention and I didn't document anything.

Q And in preparation for your testimony today, did you and I look in these photographs and did you look to see if you could see in those

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photographs?

A We did, yes.

Q Did you see any type of tire marks or skid marks?

A No, it was images that we looked at that had closer views of the tires on his police car that were actually focused on pieces of evidence, and we could not see any type of skid or tread mark anywhere.

Q And those pictures are included in your batch of pictures?

A Yes, ma'am.

MS. WHIRLEY: Was it brought to your attention, this is Sheila Whirley, was it brought to your attention that you should look for skid marks.

A At the scene?

MS. WHIRLEY: Yes.

A No, ma'am.

MS. WHIRLEY: Okay.

A Number 31. Same perspective where I had moved, I could see in front of Darren Wilson's police car. Now looking back farther to the east, kind of bracketing photos from my right to my left this time.

Number 32. Same perspective. Turned

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from the northwest corner looking almost directly east.

Number 33. Same perspective again, 18 to 35 millimeter lenses. I just zoomed in that perspective to give you an idea what we were looking at farther down the street.

Q (By Ms. Alizadeh) So you didn't actually walk closer to that scene?

A No, ma'am. Just zoomed in from the previous perspective.

Number 34, the first group of pictures were what we refer to as my overall photos of everything. Now is when I would typically start taking my individual photos of items of evidence.

Q Okay. So can you describe what number is this, 34?

A This is number 34, yes.

Q What is this picture and why you took it?

A Okay. As a procedural thing, if I'm going to do my evidence in order, you can see now you will see the yellow evidence tents are placed down throughout the scene. In particular number one. In a perfect world, you would take a photograph of evidence number one, you move to number two, number three just to keep everything in order and that's

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the order that we find things. There is not necessarily a rule or law that says the item that you see first has to be number one and everything has to go in order.

It could very well, for instance, in this scene, if I marked number one and number three, or that's number two there, I could mark 1 through 30 and then when we're getting ready to go find a shell casing on the other side of number one and have that be evidence item number 31. So it is not necessarily in the physical space things are numbered, they are numbered how we find them.

Q So during the first series of photographs that we've seen and that was kind of your walk-through of the scene?

A Yes, ma'am.

Q Did you take a break and then place placards in areas or were those placards visible in your earlier photographs?

A No, they are not visible in the overall photographs. The overall photographs I take right after the video is done to show an overall view in pictures, not just video, of what the scene looks like when I arrived.

Q So after you've got done with the overall

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walk-through photographs.

A Yes, ma'am.

Q Is that when you then go through the scene and put placards down?

A At that point I would walk through and placard items that I know our evidence. Things that are pointed out to me that were noted by the traffic cones first responding officers put down that they saw, and I would put my placards there on those pieces of items.

During that time you may notice another shell casing or something else and, of course, we would placard that. Once those things are placard, we start taking our overall photos and close-up of each placard.

Q These items that have a placard, and I think maybe you can see that that is number one there, does that correspond with your diagram where you have a number one with a circle on it?

A Yes, ma'am.

Q At this point after having documented these placards and you said you took measurements at a later time, those items that are numbered are depicted on the diagram?

A Correct, on the diagram. All the little

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bubbles you see, and that's not the best copy of it, but all the small circles that you see have a number inside of them denoting that item of evidence and its location at the scene.

Q And then the legend that's attached to that diagram would tell you what number one is?

A Correct.

Q Okay. And so number one here by the tire, of the front left tire of Darren Wilson's vehicle, what is that?

A I don't have my list. I'm not sure, is it a bracelet?

Q Here, is this yours?

A It is a black and yellow bracelet.

Q And then this thing right here, number two, what is that?

A A red baseball cap.

Q Number three?

A A spent .40 caliber shell casing.

MS. ALIZADEH: Any questions so far?

: . Number five is another black bracelet?

A Yes, ma'am.

Thank you.

A Okay.

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:

A Yes, sir.

When you, I guess, put the placards down.

A Correct.

Was there anything that you found on your own or was everything already marked?

A No, there were several items that I found on my own afterwards.

.

A Yes.

You said that three and four were .40 caliber spent casings, on the list it says Federal, what is meant by Federal?

A Federal is a brand name. Federal is the name of the brand that is actually stamped on the tail end of the bullet.

Okay.

MS. ALIZADEH: Any others? Okay.

A Image 35.

MS. ALIZADEH: Any time you want to take a break or stand up, feel free to do so.

A The previous image was kind of an overall view of the several placards that you could see. So

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in the previous image you saw what I would term overall view. This would be an intermediate view kind of referencing where in space placard number one is, you can still see the driver's front wheel of that.

Image 36. This would be the close-up view of item number one. This is a hard plastic placard that's number one, that has a scale printed on it to show size. And that's the black and yellow white bracelet.

Q (By Ms. Alizadeh) Now at this time, do you know if that bracelet has anything to do with your scene or the incident?

A No.

Q You are photographing things, you're not sure what involvement they may, they may have direct relation to the incident, they may have no relation to the incident?

A Correct.

Image 37.

Q Can you twist it?

A Yes. This would be the overall view that I would show starting to zoom in on item number two, again, giving reference in space how it is located to Darren Wilson's vehicle.

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MS. ALIZADEH: I will tell all of you that when it comes time to you actually looking at the photos, they are not as blurry as what you are seeing up here.

A Thank you for clarifying that. I do take better photographs than that.

Image 38. This would be the intermediate view of evidence item number two.

Image 39. I think we spoke about this yesterday, the evidence item placard number two has an asphalt mark, tar mark in the middle of the placard. Has nothing to do, this is showing evidence item number two, just happened to be there in the photograph.

Q (By Ms. Alizadeh) This thing here to the right?

A That is the traffic cone that was in place prior to my arrival marking the location of that piece of evidence.

Q So you don't remove the traffic cones when you are doing this?

A No, ma'am.

. Had that traffic cone not been there, would have placed that placard to the right side of the cap then?

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A Probably.

Okay

A I try not to move anything when I'm placing my placards.

Okay.

A Image Number 40. We were going towards, I think that's item number three, again, my overall view showing space where it is located on the driver's side.

Image 41, intermediate view of item number three.

Image 42, would be my close-up view of item number three, which again is the spent .40 caliber Federal shell casing.

Q (By Ms. Alizadeh) Now, let me ask you a question. I want to clear up something, some people might perceive, are you in any way saying that that was the third shot fired by giving that number three?

A No, ma'am.

Q Are you able to determine when you are collecting these shell casings in what order these shell casings were fired out of a weapon?

A No, ma'am.

Q So each little shell casing doesn't come

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with a number on it that you put in your magazine in a numeric way?

A No, they do not.

Q It would help you if they did, correct?

A Tremendously so. These things, the numbers, the placards in any of my photos and most anyone they have nothing to do with the order in which things were done during a crime. They are specifically the order in which we found that piece of evidence, and the number that's assigned to it is just to help us determine which piece of evidence it is. Has no other chronological significance.

Q So in your report you refer to that this is evidence item number three in the envelope it is packaged in, it is denoted as evidence item number three?

A Yes, ma'am.

Q With a description?

A Correct.

Q So it keeps that number?

A Yes.

Q This shell casing that you photographed is still number three, your evidence item number three?

A It is my evidence item number three.

Q Okay.

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: I don't know too much about guns and stuff like that, so from that shell casing, where is the front of the bullet, where is the back of the bullet, can you tell me what direction it is facing?

MS. ALIZADEH: Let me clarify something here. We will have ballistics people, let me ask you detective, are you trained in firearms?

A Yes, I am a firearms instructor for our police department.

Q (By Ms. Alizadeh) So you feel that it is within your expertise to talk about, this is called a cartridge; is that right?

A Casing.

Q A casing. You are able to answer her question, you feel comfortable doing that?

A Yes, ma'am, I can do that.

Q Okay.

A As far as the direction the bullet is facing, I can't tell you, but as far as what you would determine the front would be where the actual bullet itself would come from, would be this hollow end of the shell casing.

: . You talked a second about how that happens, how a

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handgun goes through that process, how casings are ejected, it doesn't happen every time they fire a bullet. How far do you think they might travel, anything about that for people that are not familiar with that? You might want to address that.

MS. ALIZADEH: You know what, I would like to talk about in answer to your question is his familiarity with cartridges and shell casings and projectiles and firing pins because he can testify about that, but as far as like how they're ejected from a particular gun, how far they travel, I believe we had this conversation before today, you feel that is outside of your area of expertise?

A Far outside.

MS. ALIZADEH: If you want to ask him questions about how, what the components what we normally think of is a bullet what are the components, what happens to it when it is fired, I think he can answer that.

Just to rephrase, one of these casings is ejected every time this weapon is fired, this particular weapon is fired, correct?

A If it functions properly, correct.

All right.

MS. ALIZADEH: Any other questions?

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. Are we also to expect all of these listings for a casing are from Officer Wilson's gun at the time.

MS. ALIZADEH: We will have testimony that will talked about their comparison. As you recall he talked about taking items of evidence to the lab and our laboratory has a ballistics section. So at some point you will hear about the testing that they did and they will refer to this as evidence item three, but to make it even more confusing for you, the lab will give it it's own number. It will be like Q7 or something.

But there will always be paperwork to show that this shell casing right there was picked up by this officer and put in an envelope and it is forever his evidence item number three. It might have another lab number that the lab uses and then someone who is going to testify about what they did with this and what conclusions they draw from their examination.

Okay, thank you.

A Image 43. This would be my overall view of evidence item number four, which is down here in the lower part of the photo.

Q (By Ms. Alizadeh) This is Darren Wilson's

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vehicle?

A Correct, you can still see the placards for one, two and three.

Q Okay.

A Image 44. In the previous image I was standing on the southern side of the road looking north, and you can see item number four.

What they typically will do again in a perfect world is you always try to angle your placards all facing the same direction. So if you are standing in the middle of the road, you can see the number of each one because they are basically a triangle. And turned to the side you can't see what number it is on.

So in this photo all I did was turn or moved to my left a little bit so you can see the front of the evidence placard.

Q Can I ask you, and you can see it also in Image Number 43, and you can kind of see it in this image, but there is a thing that's down here that's yellow?

A I believe that is actually a knotted up piece of crime scene tape.

Q So that's not a placard?

A No, ma'am, it is not a placard. I believe

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initially that was laying down somewhere around here near this item number four, which is another shell casing. When and/or something moved or threw it down on the sidewalk.

Q So that yellow thing right there has no, as far as you know, no evidentiary value?

A Correct.

Q You didn't seize it or package it?

A No, ma'am.

Q Okay.

A Image 45. Close-up view of item number four, another spent shell casing.

Image 46. I've now moved over to the northern side of the street and this is my overall view of evidence item number five.

Again, in a perfect world, the attempt is made to photograph items of evidence in the order that I find them.

Image 47. Intermediate view of placard number five.

Image 48. Clarify this as again another intermediate view. You can still see part of Darren Wilson's police car, be it that may be a running board somewhere at the bottom of his vehicle, again, placard number five.

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Image 49. Close-up view of the vehicle, the bottom of the vehicle can no longer be seen. My evidence placard and then a black beaded bracelet.

Image Number 50. This, looking at the next photo, this is an overall view of evidence item number eight, I think the last one we had was number five. Again, the ideal world you can photograph everything in sequential order. I believe items number six and seven were farther down the street. So at the time that this photo was taken, I didn't want to move down the street and then move back. Eight and nine were right in front of the car.

I stayed in this area to continue with the photograph, this overall view. What we are looking at here is a red stain on the driver's door.

Image 51. You can see this is what we would use as a placard. There is some adhesive removable stickers that are numbered one through zero or one through nine and zero that we can make combination of numbers. Obviously, this is something that we would typically stick on a vehicle or a window or something that we can't stick a placard onto, just to number in our photographs as

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evidence item number eight. It is denoting a red stain below that.

52, Image 52. This would be the close-up view and again, it is not in focus with the projector, but you can see that the placard number eight is there, it has a small scale and items of this nature. We would typically insert my own visual scale in the photo to show size and shape of whichever item I'm photographing at that time.

Q Now, Detective all of these systems so far that you've testified about are all things that you at some point picked up and put them in an envelope and packaged them, correct?

A Yes, ma'am.

Q So this is a red stain that is on the side of a vehicle, correct?

A Yes.

Q Did you seize that?

A I did.

Q And how do you seize something like that?

A This particular piece of evidence, we call it a red stain, it was actually kind of, I don't want to use the term fleshy, but it wasn't like a liquid. I was actually able to seize that with a pair of tweezers.

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Q So that red thing just kind of peeled off the car?

A It came off completely, yes.

Q And you packaged that substance or whatever it was?

A Yes, ma'am.

Q Was, in your experience with working with, for example, you know, blood stains or blood spatters, did it appear as if it was a blood droplet or spatter?

A No.

Q So it was something else?

A Something else.

Q All right.

A Image 53. Overall view, what this is looking at this is obviously, not obviously, still the driver's side of the vehicle, rear passenger door, the rear tire here. You can see the placard I put on there. Again, was an adhesive sticker for number nine. It is covered up partially by the police crime scene tape that was applied by Ferguson prior to our arrival.

Q So to find that item number nine, you actually lifted up the crime scene tape to look at the vehicle, but then once you placed a placard on

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the car, you put the crime scene tape back where it was?

A Yes, ma'am.

Q So you did move something on the crime scene, but only to search for evidence?

A Yes, ma'am.

Image 54. You can see this photograph, crime scene tape is no longer there and basically what's happening is I am holding the crime scene tape up with my left hand and taking the picture with my right hand.

Q And what is Exhibit 9 or what is your item number?

A Number 9 is a red stain on the exterior of the driver's side rear door.

Q Okay. On the driver's side rear door?

A Yes, ma'am.

Q It is a four door vehicle?

A Correct. A lot of times people use left, right sided vehicle, that often still confuses me. I use driver and passenger side.

This would be a close-up view of the red stain on the driver's side rear door. Again, adhesive sticker, and the evidence below it.

Image 56, this would be the previous

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photo was shot more at an angle or somewhat of an angle. This you can see the crime scene tape, I can no longer hold it up with my left hand and hold my scale and tape. So I pushed it down below the item of evidence so I can again put my scale into the photograph so you can show the size and shape of the red stain.

Q Now, did you seize that item number nine?

A Yes, this particular piece of evidence appeared to be some type of dried liquid. I was able to collect it with a DNA swab.

Q So do you have swabs that you carry in your van?

A Yes, ma'am, sterile swabs from the manufacturer, sterilized water that we use to wet it. It is oversized professional Q-Tips. We wet the end of it, that piece of evidence we were able just to collect it with a Q-Tip and put it into a package and submit it.

Q The entire time you are at the crime scene, are you wearing latex gloves?

A Yes, 90, 95 percent of the time if I'm at my van doing paperwork, it is not always easy to write paperwork, but any time I leave my van, majority of the time between collecting different

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items of evidence, you change gloves between those items.

Q So the tools that you use to collect this are in a kit that the police department purchases from a company, correct?

A Our crime lab.

Q Your crime lab?

A Yes.

Q They are sterile?

A Yes.

Q They are specifically for the purpose of collecting items that might be analyzed for DNA at a future time?

A Yes, ma'am.

Q So no one else's DNA would have been on that Q-Tip prior to you opening that package and then rubbing, you said wet the Q-Tip with sterile water?

A Yes, ma'am.

Q And then you basically rub it on that stain?

A Correct.

Q In essence, is it somewhat, it then changes that stain, correct?

A It does. Generally the stains that are

that small, the stain is gone when we collect it.

Q Okay.

A Obviously outside of microscopic traces that would still be left on there, to the naked eye I took that stain off of there.

Q And then regarding evidence item number eight, the substance that you removed with tweezers?

A Yes, ma'am.

Q The tweezers that you use, are those also --

A Again, supplied by our crime lab, sterilized individually packaged, they came out of the same DNA kit.

Q You open up those?

A One time use.

Q You throw them away when you're done?

A Yes, ma'am.

MS. WHIRLEY: Sheila Whirley. What do you do with those items like number eight and number nine that you seize once you seize them, what do you do with them?

A Number eight, since I was able to take it off with as a whole with tweezers, it was put on a piece of what we refer to as way paper, kind of wax paper. This is in our sterilized kit. It is folded

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so it doesn't get lost. And that folded piece of wax paper is then placed inside of a coin envelope and that envelope is sealed.

Item number nine, since we use Q-Tips, we have these basically long Q-Tip boxes and again, they are provided by our crime lab. They come from a sterile environment, they are inside our DNA kit. You don't handle them without gloves. Each individual swab, be it a touch DNA swab or swabbing of a red stain or buccal swab to collect someone's DNA goes into its own individual swab box.

MS. WHIRLEY: And then what do you do with it?

A Once they are in the swab box, they go in an evidence envelope.

MS. WHIRLEY: For the purpose of?

A Sealing that as my piece of evidence and taking it to the crime lab and keeping it as sterile as I can.

MS. WHIRLEY: Thank you. That was all.

MS. ALIZADEH: Okay.

A 57. This is a series of photos that I'm attempting to show the driver's side mirror being pushed outside of its natural position. This is something that was brought up as part of the

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investigation just because we were told that there was a struggle in and/or around the police car. This was an item of evidence like hey, that mirror may have been pushed during the struggle. You make sure to note that in your photos.

Q (By Ms. Alizadeh) So this would be an example that somebody had pointed out this may have some relevance to the actual incident and so go ahead and photograph that and document it?

A Yes, ma'am.

Q So the mirror on that police car, is it a mirror that can move? You don't break it by moving it?

A No, it is not broken, it is like many new cars nowadays, it swivels and moves front to back.

Q If you are sitting in the driver's seat, the mirror is pushed forward to the front of the vehicle?

A Correct.

Q If you are sitting in the driver's seat, you can't use that side mirror at that point to check?

A No, you would not be able to see that.

Q All right.

A Image 58. Intermediate view, same

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driver's side mirror pushed to the front.

Q And this thing right here, what's that?

A That would be the spotlight that's accessible from the driver's side you operate with your left hand.

Is that mirror intact or is it broken?

A It is intact. The next photo is a little bit closer up so you can it.

: . Is the driver's side window open or closed, I've haven't been able to tell in the photos?

A It is not there right now, it is down.

It is open.

MS. ALIZADEH: Did you determine that the window was broken?

A It had been broken out.

Q (By Ms. Alizadeh) The driver's side window is broken and there is no glass in the door frame of the driver's side window; is that correct?

A Correct.

Q And then --

A Actually, the glass, the broken glass is still within the door frame itself, but as far as intact window that would be able to roll up and roll

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down or be halfway up is not there.

To clarify there is no glass fragments outside the car or inside the car, it was all contained within the vehicle.

A No, we talked about this. There is definitely glass inside the car. You can see broken glass in the seat and the floorboard. To my knowledge, I do not remember glass outside of the car.

Image 59, it is much clearer than the actual photograph, it is a closer up view of that mirror. You can also see item number eight is still on the car as of this time.

Image Number 60. Several things you can see in this video again, it is still --

Q (By Ms. Alizadeh) Photograph?

A I did say video. Image, you can see in this image, you can still see the crime scene tape is there. Evidence item number eight with the placard or sticker is still next to it. Nine, I believe, is now underneath this crime scene tape. What we are focusing on in this photograph is a defect to the exterior side of this door.

Image 61, intermediate view of the same defect. This would be the handle to the

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driver's side front door. It is just below.

Image 62, a view straight on to the defect with my scale in the photo to show size and shape.

Q (By Ms. Alizadeh) Let's back up here for a second. I think you need a break, he's the one whose fingers are flying a million miles an hour. Let me just finish up talking about this and we can take a little break for sure and everybody else can get up and take a break.

So this defect that's on the outside of the driver's door or Officer Darren Wilson's vehicle.

A Yes, ma'am.

Q And so this door is metal, correct?

A Yes.

Q Can you describe what that defect appears or looks like to you, not what you concluded it is, but describe it?

A For lack of a better term, this is convex, it is coming out of the vehicle. It is not a dent in the vehicle. And it is also, it is hard to tell again what you are seeing up there.

It is not a stain that's on the vehicle, you can tell that paint has come off of the

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vehicle. Something from the outside or from the inside coming out made that defect to the exterior.

Q And is there a hole, is there a hole in what you are looking at there?

A From the outside of the vehicle?

Q From the outside of the car?

A No.

MS. ALIZADEH: Okay. Any questions about this. Okay.

MS. WHIRLEY: Is there a hole from the inside looking out?

A There is.

: Why is it not notated on here?

A It is not a piece of evidence.

It isn't.

A The vehicle was taken as a piece of evidence and processed at the crime lab by another detective, but at the scene that's just a visual note that I was taking. It wasn't a piece of evidence that I could collect.

Okay. It is notated in your paperwork?

A Yes, ma'am.

Okay.

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MS. ALIZADEH: Okay. We'll take a break here. Let me check on the timing of your lunch.

(Recess)

MS. ALIZADEH: This is Kathy Alizadeh. It is 11:30, we just took about a ten minute break. Detective is still testifying. Sheila Whirley, she's left the room but everyone else that was present when we began is still present in the room.

I want to tell you that your food is scheduled to be here at noon. is just going to knock on the door when the food is here. At that point, I will try to kind of finish up, if he's not done, we're going to get to a part where I can make a logical pause and you will be given your lunch.

It might seem like oh, let's go ahead and eat while we are hearing testimony. One, you need a break, I think it is good that you take a little time for lunch, whether it is 30 minutes or an hour, that's up to you.

Also, some of these photographs are not going to be things you want to see when you are eating lunch, of course. Ready to get started?

Officer , what is your next photograph?

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A Next photograph is Image Number 63. This is again, what I took an overall photo and what we are going to zoom in on is hand impression that is on the rear of Darren Wilson's police car. This is from east looking west on Canfield. This is my crime scene van at the edge of the crime scene.

Q (By Ms. Alizadeh) Okay.

A Image 64, rear of the vehicle, the rear glass of the vehicle. This would be kind of the left side or driver's side of the vehicle on the rear lift gate.

Again, it is hard to see from this, not only this photograph but kind of this angle it looks like a couple handprint impressions kind of on the glass.

65. What I did in this image is I moved just to my left a little bit to combat the reflection of the sunlight, daylight that was there to get a better image of what I was seeing in person to describe what this is. It is not a bloody handprint, it is not a muddy handprint, it would be if the window was clean and somebody slapped a wet hand on there and went down a dusty road, all it is is a dust impression of a hand.

After I photographed this, almost

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immediately a Ferguson officer, I don't know who, came up to me because they noticed me photographing this and were trying to figure out does this apply to the scene? Does it not apply to the scene? I had noticed it and considered I better document it. After I photographed it, somebody came up to me from the department and goes hey, just so you know, Darren was told during roll car to get his car washed because the sergeant saw the handprints on the back window.

It was obviously deemed at that point not of evidentiary value to us, but I had already photographed it, so the picture shows what I took.

Q So had you thought that might have some relevance, you would have maybe tried to lift a print off of there?

A I would have done a number of things.

Q I don't want you to belabor it, you didn't act any further on this handprint because it was told to you it was there earlier in the morning?

A Correct. We did nothing other than the three photos that you just saw.

Q Okay.

A Image 66, this is just an overall view of the vehicle itself. I think if I remember the time

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limit correctly, we were told that the tow truck was close trying to gets its way down Canfield so we can tow the vehicle away.

Image 67. Same thing. Just overall image of the vehicle before we were getting ready to tow it.

Image 68. Right before this image was taken, my chain of events kind of got scattered. I would have typically have continued photographing the vehicle and then once it was towed I would have taken a picture of where the vehicle was at right after it had been removed.

Someone, I'm not sure who, be it family member or someone in the crowd, had tore down some crime scene tape and a few people ran into near the crime scene. The decision was made then that we needed to stop our order of events, how we typically process a scene and we needed to get the body photographed and get the body moved immediately.

Typically what you would see in the beginning of the photographs were I had the overall, the intermediate and close-up view of each individual piece of evidence, that got thrown out the window.

We not quickly ran down, but we had a

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large crowd that had gathered now at the end of the crime scene near Michael Brown. The apartment buildings that you can see on either side, one in the front, there is one obviously behind me where I'm taking this picture. Those were filled with residents on the three stories of the stairwells. There were people on roofs, people had started to line the crime scene from the side not being blocked.

What we decided on doing is the medical examiner, I think the fire department that was there had sheets and some tarps that we were going to use because the crowd at this point were starting to chant, kill the police, numerous other derogatory things towards everything about us. And we fully expected another, I don't want to use the term riot, but an outburst once we did uncover the body and begin to move it.

We made the decision to use the sheets and tarps the best we could to block the view of everybody that was trying their best to get in the crime scene and see what was going on.

Several officers that were there, I would say probably 10 to 15 officers grabbed the body screens, sheets, and tarps, and not just held

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them on the ground, but held them up above their heads because the apartment buildings were very close to where we were at.

It is hard to really get a perspective from this view how close those buildings were to the scene. We had people on the third floor apartments that could see straight down, and people on roofs that could see straight down.

So we had people in close proximity of the perimeter of that body holding screens to try to block us while we're working and still trying to protect the crime scene as well.

Q So this blocking maneuver I'll call it that you did, was this done so that you were hiding some of the things that you were doing or was this done so you could avoid inciting the crowd with what they see when you remove the sheet?

A It was strictly done to avoid any type of emotional response that we were expecting to happen when the body was uncovered.

Q You also refer to the medical examiner being there?

A It was medical examiner field investigator, not one of the pathologists.

Q Do you know which one it was?

A

Q So after this photograph, and you said that you, it disrupted your normal course of order?

A Yes, ma'am.

Q So you can go ahead and talk about the next image.

A 69. The first, the previous photo would be the overall view, this would be just the intermediate view of me stepping closer to the body. Again, just kind of drawing your attention to what we are getting ready to photograph.

Image 70. This image, obviously, Michael Brown has been uncovered, the sheets have been moved from here to this end of the body, you can see now people's feet, which I would typically just out of habit try to keep people out of my photographs, but again, I'm standing in between policemen now, kind of my back against, with the scene secured and kind of collapsed down on top of us to shield the public's eye.

Image 71.

Q Can you turn it?

A Yes, I'm sorry. Just like I would normally do at the beginning of the scene taking overall views from all the way around what I'm

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trying to show you. I do the same thing with a victim or Michael Brown.

So before I was standing over here on the right side of the picture looking this way, now I'm looking at his feet, I'm standing on the eastern end looking to the west.

Image 72. Same thing, the previous image I was standing probably on the double yellow line, now I've moved slightly to the south and again you can see the feet of the policemen that are standing around holding the screens.

Image 73. I'm on the south side of the street looking north and again just kind of an overall intermediate view. This picture in particular you can see that I cut off part of his foot in the photograph.

Q You mean out of the frame of the photograph?

A Out of frame, I did not cut part of his foot off. In the photograph his foot is out of the frame.

Q You see the white sheet is still above his head?

A Yes. Image 74. Corrected the previous photo by including his entire foot in the frame.

Image 75. An overall view, again, I put in the center of the overall view kind of where I'm going with the next information so this would be in our processing of the scene. We do as many face shots and identification shots as the body is found.

Q Now, when you are processing a death scene, is it common place when you first see the body and document it that there might be evidence of medical intervention, people that might have been to a scene and tried to provide medical aid to a victim?

A Yes, ma'am, anything from people being intubated with a breathing device, to clothes being removed for CPR purposes, to just the simple EKG type of devices attached to the feet to check to see if there is a heartbeat.

Q In your experience in those circumstances that when there is some type of medical intervention, when the medical personnel are done, they leave those devices at the scene?

A They do, yes.

Q Did you see any evidence of medical intervention?

A No.

Q And his clothes didn't appear to have been

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cut off or in any way moved or removed that you could see where there would be leads placed on his body?

A No, ma'am.

Q Okay.

A Image 76. Intermediate view Michael Brown's shoulders and face.

Image 77. This would be the close-up view.

Image 78. Again, an overall view and in the center of the screen I see his right hand and injury defect to it.

Image 79, what I would determine an intermediate view of his right hand and the defect.

Image 80. Moving farther up the right arm, that would be a defect injury to his right forearm.

Image 81. This would be kind of moving back again, as far as my perspective because I'm starting to show the tattoo and injury to the inside part of his right arm.

Image 82, image of the defect to the inside of his right arm, all of these series of photos I'm showing you. It is the body as it is uncovered to me. He has not been moved, manipulated

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with me or by any of the medical examiner investigators.

Image 83. Photo of right arm again showing visible tattoos that we can use for a positive identification. If we have family members that are there that can say oh, yeah, he has a tattoo of this on his arm or this on his leg, stuff they told us to look for that we can use for identification purposes.

Image Number 84. Overall view and what we're looking at here is tattoo on his left arm.

Image Number 85. Tattoo on the inside of his left arm.

Image Number 86. This would be a view of Michael Brown's back. This is a standard photograph that we take as part of every death investigation, be it an overdose or child death or anything else, we always show lack of injury as well. So this is the medical examiner investigator lifted up the back of his shirt just to show no injuries were present there.

Image 87. This image is showing an overall view specifically as to the location of Michael Brown's left hand. These are again a set of

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images that were requested by the detectives after they had spoken with Darren Wilson and we kind of had a brief, we had his first initial statement they requested these photos as part of his statement. He had said that Michael Brown had come back towards his direction with a hand stuck into his waist band, as if --

Q Don't speculate about what as if, this was information that you got, not directly, from an officer?

A I did not speak to Officer Wilson, I still have not to this day.

Q This was a third hand?

A A detective that had spoken with him that was now back at the scene giving us things to look for.

Q This is the reason for the photograph, you are not drawing any conclusions or assumptions from that information, correct?

A Yes.

Q Now, in this photograph you can see yellow lines that are around his extremities?

A Yes.

Q What's that for?

A As part of any scene, we talked about the

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diagram that you guys have the placards are always left in place even after we collect the evidence. The last thing we do is diagram the scene part of the diagramming of any death scene is where the body position was.

Everyone has seen the old fashion silhouette still laying on the ground, those are paper and they move, particularly outdoor scenes. We take chalk and we outline the location of the feet, hands and head where we have those permanent chalk marks, not permanent, but chalk marks on the ground while we were there to measure his location from after he is removed.

Q Those are marks that you make?

A Yes.

MS. WHIRLEY: And this is Sheila Whirley, was Darren Wilson on the scene when you arrived?

A He was not.

MS. WHIRLEY: Okay, okay. You said you investigated several police shootings?

A Yes, ma'am.

MS. WHIRLEY: Is that unusual for the officer who is involved in the shooting to not be on the scene?

A No, ma'am.

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MS. WHIRLEY: That is pretty customary?

A It is a lot of protocol from many departments is the officer that is involved typically leaves almost immediately once they are able to.

MS. WHIRLEY: Okay.

A Image Number 88. Intermediate view of the location of his left hand and arm, or the position.

Q (By Ms. Alizadeh) This yellow right here, that's not your chalk mark, is it?

A No, ma'am, that's the inside, that's the yellow dividing line for the road. There should be a chalk mark that we can kind of see here denoting where his hand is.

Q Okay.

A Image 89. Outside of his shirt being lifted up in the back by the medical examiner investigator, this is the first time Michael Brown had been moved. He was rolled onto his right shoulder, again, showing the positioning of his left arm.

Q And you were there when the medical examiner rolled him onto his shoulder?

A Yes, ma'am.

Q Are you familiar with what rigor mortis

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is?

A Correct.

Q Did you, do you believe that rigor mortis had set in on the body of Michael Brown at this point?

A Yes, ma'am.

Q And when the medical examiner --

MS. WHIRLEY: Medical investigator.

Q (By Ms. Alizadeh) Medical examiner investigator turned him over, did his limbs stay in the positions that they were when he was on his front?

A They did, and you can see that not only from the position of his arm, his leg is still up and his head is not moved down.

Q So this is hand?

A I believe, is the blue glove.

Q Okay.

A The white glove is an employee of the St. Louis Delivery Service, which is the company the medical examiner's office uses to transport Michael Brown.

Q So is this officer trying to place his arm in a particular position by, in this photograph or is that the way his arm was when he was rolled over?

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A His arm stayed in that position from the time he was rolled over until the time we rolled him over onto his back.

Q Okay.

A Image 90. Previous to overall, this would be an intermediate, again, showing the position of his left hand.

Q And you did not witness anyone manipulate that in any way did you?

A No, ma'am, other than just rolling him onto his right shoulder.

MS. WHIRLEY: His hand, it seems like it is balled up, this is Sheila Whirley, there was nothing in his hand though?

A Not that I saw at the scene, no.

MS. WHIRLEY: Okay. And you would have noted if there was something in his hand?

A Typically, yes. The body itself belongs to the medical examiner. What we investigate on the body at the scene is very minimal compared to what they do at autopsies. If there was a knife sticking out of his hand, something that is protruding, I would have been able to see that and document that if there was something clenched inside of his hand, that is not something that we would pry his hand

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open to see at the scene, that would be something that is done after the body arrives at the morgue.

MS. WHIRLEY: I understand if there was a weapon in his hand, you would have seen it.

A Yes, ma'am.

MS. WHIRLEY: And there was not?

A No.

Image 91. Michael Brown is now rolled completely over onto his back. Again, you'll see the overall photos of me walking kind of a 360 degree area around the body. The sheet that he's laying on is not one of the sheets he was covered up with, this is a new sheet, and lack of a better term, body bag brought in by the medical examiner.

Q (By Ms. Alizadeh) This thing right here, this blue thing right here?

A You will see that in, a couple of the images, that is a handle for the bag to pick him up, it is to assist in carrying people.

Q Okay.

Would the old sheet that we was on, would this have been collected as evidence as well?

A I was asked that yesterday. I did not collect it, I can't say with certainty, but I am

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assuming those type of things typically go into the body bag and go to the morgue.

Image 92. Overall view of the previous one was from like his feet looking towards his head, this side view. Again, better image of that blue material you see was a handle for the body bag.

Image 93.

Q (By Ms. Alizadeh) Can you turn it?

A I'm sorry.

Q No, the other way, you're not on, turn it around, there you go?

A Okay. Again 360 degree view from his head looking towards his feet. Again, you can kind of get perspective now the policemen that we had blocking the scene.

Q You see those weighted sand bags along here for the body screen?

A Yes, just like we saw in the previous images at the beginning of my photos where that weight was kind of left in the middle of the street.

Q Do you know what this is right here?

A I think that's another sheet that had been used to cover him or part of it. There was more than one sheet that had been used to cover him up.

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Q All right.
A 94.
Q Can you turn it, the other way, there we go.
MS. ALIZADEH: That means your food is here. So maybe we'll try to finish with the images of the body at the scene, six?
A Five more.
MS. ALIZADEH: And break for lunch, is that all right with everybody?
A Again, just overall view of the body, kind of the exact same position. This may be one of those things where my camera clicked twice. I know at this point there is some items sitting on his stomach, this is where the investigator from the medical examiner's office had removed some items from his pocket to show what he had in his pockets there.
Q (By Ms. Alizadeh) Now, is it typical at a scene that do you ever go inside the pockets of the deceased person?
A No, again, in the State of Missouri the deceased body belongs to the medical examiner's office in St. Louis County or to the coroner in different counties, however they are titled. Body

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belongs to them, that includes stuff that's in their pockets, their clothing, everything.

We, myself personally, never touch a body physically unless I'm at the autopsy and I'm fingerprinting the deceased or anything like that. But as far as searching of the body, that is strictly done by the medical examiner investigator.

Q Were you present when the investigator searched the body of Michael Brown?

A Yes.

Q Did you see him remove items from his pockets?

A I did.

Q Did you see him place the items on, I guess, I would say the belly of Michael Brown?

A Yes.

Q Is that something that's typically done that the items were placed on the deceased body?

A Given space and time, they are either placed on the body or if it is a large amount of things they would be placed directly next to him where I would photograph him and those items are just returned back into the pockets of the deceased.

Q Okay.

A Image 95. Again, identification purpose

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photos, he's now been rolled over the other side of the face is what I photographed before because this was the size that was down against the pavement. So now I'm taking my overall intermediate views of the side of the scene.

Image 96. Intermediate view of Michael Brown's face.

Image 97. Just like on his arms in the previous photos where I did the overall intermediate close-up views of any visible defects or injuries. This is close-up view of a visible defect and injury to his face.

Q Now, can you tell me what portion, I mean, the bridge of his nose?

A The bridge of his nose, this would be his left eye.

Q Okay. And you're standing above his head?

A Directly above him pointing my camera straight down.

Image 98. Intermediate view of items removed from his pocket by

And Image 99 would just be a close-up view of those items.

Q Now, did you seize those items?

A No, ma'am, I did not.

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Q And that's because you said these items belong to the medical examiner's office because they were on the body?

A Correct.

Q Did you handle them in any way?

A No, ma'am. Image one --

Q Let me stop here. The items that were photographed on Michael Brown, did you observe put those items back in the pockets?

A Correct, yes.

Q Where he got them out?

A I did.

Q I think we are done.

A He's been moved now.

MS. ALIZADEH: So we'll stop right now for you guys to have lunch, okay. I would just, I'm going to take the photographs that we haven't discussed with me, these I'm going to leave here. Do what you will, but these have already been, you know, looked at by you. I would suggest that you just have a lunch and not go over any of this stuff, but if you desire to do so, they are here, okay? And let you take that.

And it is 12:33 approximately, and we will break for lunch. Why don't you guys let

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know.

MS. WHIRLEY: It is 12:05 p.m.

MS. ALIZADEH: Okay, sorry about that.

(Recess)

Q (By Ms. Alizadeh) So Officer or Detective this is a continuation of your testimony from this morning.

A Yes, ma'am.

Q So you are still under oath, you understand?

A Yes, ma'am.

Q And so we're going to resume again with the remainder of the photographs that you took during your investigation of the crime scene.

So you can resume with the next photograph?

A Image Number 100. This is a standard photo that we take during any death investigation photograph of where the body was after it had been removed by medical examiner personnel.

What you can start to see in this photograph are again the chalk markings we put in place while the body was still there for our measurement points. Also you can see an evidence placard here again, once we collect evidence, the

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placard is left in place for us to measure and diagram from later.

Q Now at this point, have you collected all of the evidence?

A At that point we had collected everything that we had found. I had mentioned before in an ideal world you see the overall, intermediate and close-up view of each individual piece of evidence. The shell casings, projectiles and some other items of evidence that were around the body in the chaos of the gunshots being fired near us, people tearing down our crime scene tape and coming in, those shots were missed, the photographs, the images, I'm sorry, were not taken prior to us picking up those items of evidence. We got them out of there to protect those pieces of evidence and just didn't get photographs of them.

Q But you did document them in your diagram, correct?

A Yes. The last photo, the previous one that was up there you can see the evidence placard is still there. You will see it in some of the following photos too, you will see the yellow evidence placard still in place.

Item of evidence won't be sitting in

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front of it, but the placard is still where the item was located for measurement purposes.

Q Now, something that we talked about this morning, and you and I had a brief conversation out there about something that you recalled, I asked you earlier when you were photographing the body of Michael Brown up close and going to start moving the body, uncovering it and moving it, you had officers that were shielding you with sheets and tarps?

A Yes, ma'am.

Q And the body screens that you call them?

A Yes.

Q I had asked you if that was done to conceal what you were doing from public view and so that people wouldn't see what you were doing?

A Right.

Q And you had described that's not the purpose for why you were being shielded, was there any civilians who were allowed inside that shielded area once you uncovered the body of Michael Brown?

A Yes, after we had put the shields up, the tarps and the sheets to block the outside people looking in from above our vantage point, Michael Brown's father, Michael Brown, Senior was allowed inside the crime scene and actually inside the group

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of tarps to witness and observe what we were doing. That served multiple purposes, primarily to provide positive identification. Would be no different from any other homicide scene where we would have a family member provide us with identification once we do go in and uncover the body and everything else, just like the photographs that I showed you of the tattoos on his arms, those were things that the family told us to look for when identifying him, but it served no other purpose than letting him observe what we were doing and give us positive identification of his son.

Q He wasn't allowed to touch anything in that inner circle as you called it?

A No, ma'am, he stayed basically on the inner perimeter that we had created.

Q Did he positively identify the body in the street as his son?

A Not to me personally, but to the detective he was with, yes.

Q Did he remain in that perimeter for the duration of the time that Michael Brown's body was on the street?

A Yes.

Q And after he was removed by the delivery

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personnel, did he then leave the scene?

A He did, left the inner perimeter.

Q Right, okay, you can continue with the next photograph.

A Image Number 101. Same thing as before showing the 360 degree views of what we're looking at. Again, chalk marks on the ground that are labeled right foot, left foot, see the chalk marking there for the right hand and here for the left hand.

Image 102. Same thing as before, north side of the street looking south again, feet and hand chalk markings. A couple things you can see in this photograph are number one, a pile of blue tarps on this side. Those are some of the tarps that we used to shield the view of the public that was around us. Wrapped up in there are some white sheets that were used as well to shield the views, not the ones that I know of that were used to cover the body.

Also things that you see in this video here are, image right here is a box that we use to hold our placards and a large 250 foot yellow measuring tape. Just things we were getting ready to do the diagram of the scene.

Also you can see in this photo these

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placards over here next to the different cones, those are placards that again don't have any intermediate or close-up views of the evidence item that they were marking the other side, the placards were left in place for diagram purposes.

Image 103. Same angle as before, just an intermediate view of the chalk marks and where Michael Brown's body and everything. It is hard to tell, that is an initial for RH, the right hand.

. Officer all of the casings were retrieved?

A Yes, I'll show you the rest of them when we get towards the end.

Number 104. Close-up view. Again, in the actual photograph it shows that is an R and that is an H, just denoting our chalk mark of which body part is shown.

Image 105. Again, chalk marks for the bottom and the feet, LF left foot, RF for right foot.

Image 106. Closer image of the same left foot and right foot chalk marks.

Q (By Ms. Alizadeh) Let me ask you because and again, it is not as clear up on the screen, but

we talked about yesterday that, for example, what is that thing right there?

A Oh, you will see this in a couple other ones, that is a cigarette butt. On the street in a couple images that you will see and a couple more slides, you will see other cigarette butts within the scene. Those were deemed as not evidentiary, they were cigarette butts and trash that litter this entire street.

Some scenes, obviously, those are important DNA evidence, this scene there is no part of the case up and even to this point where at the scene we knew or thought that a cigarette butt had anything to do with the incident.

Q So you didn't collect any cigarette butts?

A No, ma'am.

Q They were just there?

A They were left at the scene.

. Were there any droppings between the officer's car and the body?

A What type of dropping?

Blood droppings?

A No.

Q (By Ms. Alizadeh) There wasn't?

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A No. I walked from my crime scene van to where the body was that day no less than 50 times. Along with the other three detectives, my detective sergeant and countless other crimes against person homicide detectives, and no one saw any, no one noticed any, we looked, nothing was ever found between the officer's car and where Michael Brown was.

: . What's the distance between the police car, the officer's car and the body, do you know?

A 153 feet 9 inches. It is noted on your diagram. If you look on your diagram.

MS. ALIZADEH: Page two of your diagram.

A Page one.

MS. ALIZADEH: All right.

A It is noted in the drawing you will see the bottom line on Canfield and you will see the number 152 feet 9 inches noted in there, that is the distance between the driver's front wheel of Darren Wilson's police car and Michael Brown's head location. That's the distance between the two. And that measurement was taken specifically from a baseline measurement of where Michael Brown's head was located when we marked it and where we marked,

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chalk marked the officer's tire of his car, that's how we came up with that.

The position that you find Mr. Brown face down?

A Yes.

Was looking to the police car?

A Correct.

Thank you.

A Sure. Image 107. 107, again another overall view. Overall picture of the chalk mark where the left hand was at. Again, another evidence placard here with no evidence next to it, just marking the location of where it was collected.

Image Number 108. Close-up view that is an L, that is an H with an indicator line and this is the position of his left hand again, cigarette butt that was left at the scene, just happen to be in this image.

Image 109. Just so I can figure out where I'm at. At this point in the investigation another crime scene detective had seized Darren Wilson's firearm. Up to this point we had no idea of knowing how many rounds he had fired. We were given the number and the number we had recovered at

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the scene did not match the number that were missing from his gun.

Q (By Ms. Alizadeh) So let me stop you there.

A Yes.

Q His weapon was seized and we will hear testimony by other officers, you were told that his weapon was seized and that it was checked to see how many, you're familiar with his weapon?

A Yes, ma'am.

Q And it is?

A A Sig Sauer.

Q It is a semiautomatic?

A Yes.

Q It is the type of weapons that ejects casings when fired?

A Correct.

Q It is the type of weapon that has a magazine that holds ammunition that goes into the handle of the gun?

A Yes, ma'am.

Q And were you told how many, do you know how many rounds that gun will carry?

A They vary by model. I was told that their duty weapons that he used in this incident carries

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13 rounds total.

Q And that would be how many in a magazine?

A Twelve in a magazine and one in the chamber.

Q In order to have a bullet in the chamber, an officer has to have loaded the magazine, rack the bullet into the chamber, remove the magazine and put in one more bullet in his gun?

A Yes, ma'am, that's correct.

Q That's fully loaded and one is ready in the chamber?

A That is it.

Q Is that how you instructed your charges when you are doing instructions at the range?

A Yes, exactly.

Q So that doesn't mean that somebody is out to shoot somebody, that is just how you were to have your gun fully loaded and ready to go?

A Yes, ma'am, that's how you go to work.

Q And so you were told how many live rounds were left in officer, in his gun?

A One live round.

Q And so that would leave 12 rounds possibly fired?

A Yes.

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Q And were you told that Officer Wilson had indicated that before this incident occurred, he had loaded his weapon and it was fully loaded?

A Yes.

Q At this point in the investigation, how many shell casings had you recovered?

A At this point we recovered ten shell casings.

Q Okay.

A We were looking for two.

Q And had you also been told now, initially would you have planned to process the inside of that car while you were at the scene?

A No.

Q Your intention was to have the car towed?

A Yes.

Q And it would be in a garage?

A Yes.

Q Away from the elements?

A And our crime lab in a secure facility to process the inside.

Q Were you told at some point that possibly his gun was fired while he was inside the vehicle?

A Yes, ma'am.

Q And so now getting back to where you said

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you were interrupted what you had been doing, what event had transpired?

A At this point after the body had moved, we had learned the information of how many rounds he had fired, which were 12. We had found ten shell casings and we were continuing to look at the eastern end of the crime scene where the body was at. We were looking around the western end where the vehicle was at, unknown how many shots were fired at which location.

The vehicle was getting ready to be towed and to save us time spent here closing down this entire apartment complex, we were trying to determine if possibly the shell casings were inside of his police car because we hadn't been in to search it yet because we had made the determination to tow it and process it at our lab, but that could take a couple of hours from start to finish. In the meantime we could be searching for two casings that just left our crime scene.

So I talked with the detective that was going to process his car and we, not quickly, but we briefly opened the door where I photographed the hole that corresponds with the dent on the outside of the door and then we went through just

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looking under chairs, looking in the cracks of seats, Darren Wilson's duty bag was in his passenger seat, we looked through it and I have photographs of all of that just showing what we took out of that car.

And not processing it for DNA, fingerprints and stuff like that. We were just simply searching for potentially two spent shell casings that we can't account for anywhere else at the scene.

Q So the next series of photographs show that part of your investigation?

A Yes, ma'am.

Q Okay. You can go ahead and continue.

A Photo 110. Overall view of the driver's side of the vehicle.

Number 111. Intermediate view driver's side front door.

Q From your earlier testimony we know that the window is not up on the driver's side door?

A At this point, we can obviously look into the vehicle.

Q Sure.

A But the window was not there, it wasn't halfway up or it wasn't up at all, it just was not

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there.

Q Okay.

A Number 112. Video of the driver's side door open. This is just kind of showing our process, the outside door closed, now it is open.

Image 113. Same angle, just a different orientation of the camera.

Interior door panel.

Q What number is this?

A I'm sorry. Image 114, interior door panel. Overall view and again, you can see the placard is still on the ground there where evidence item two was at.

What we're looking on this overall view of the interior of the driver's door.

Image 115. Close-up intermediate view of circular defect to the inside panel of the driver door.

Q So this portion right here is like the arm rest?

A Yes.

Q And then this is the actual side of the interior of the car?

A Yes, ma'am.

Q Is that a hole?

A Yes.

Q Okay. It wasn't your job to process this interior of the car?

A I was simply documenting what we found on the inside.

Image 116. Just overall interior view again, now you can start to see this is pieces of broken glass, it is safety glass, most cars you see when it breaks, it doesn't break in big shards, small pieces of glass.

Image 117. A view of the upper part of the driver's seat. You can tell in this scene or in this picture that this is what is referred to as a cage car, metal cage is in the back seat where it prohibits these seats from being laid back basically or scooted back farther than this.

Q Is this barrier a cage or plexiglass?

A Plexiglass, the top half is glass, you can see here it is metal from here down to the floor.

Q So when you enter the vehicle, is this a sliding little window?

A I don't know.

Q Okay. Was it closed?

A It looks to be closed.

Q You don't recall if it was open or closed

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and you didn't process it for that reason?

A No.

Q Did you look in the back seat?

A I did not.

Q For shell casings?

A We did open the doors and look, we didn't see anything.

Q Okay. For the purposes of speeding this through, did you find any shell casings inside the car?

A No, ma'am.

Q So these next series of photos, we will have somebody who processed the inside of the car who is going to talk about what he found inside the car, but this is just you documenting what you saw in the car?

A Yes, ma'am.

Q You didn't seize anything else from this car?

A No, ma'am.

Q So we can do these a little quicker.

A 118. Again, overall view from the driver's side.

Image 119 is an overall view from the passenger side of the vehicle. Again, evidence

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marker where the bracelet was at is still in place and this is showing Darren Wilson's duty bag or gear bag and his rain coat.

Image 120. Darren Wilson's gear bag in the passenger seat. We are showing it because the rain coat and the gear bag were removed prior to the towing of the vehicle and given back to Ferguson Police Department.

MS. WHIRLEY: Sheila Whirley speaking, you mention duty bag and gear bag, are these the same thing?

A Synonymous terms, it is a bag that every policeman carries with him that has paperwork, forms, your lunch, your rain coat.

MS. WHIRLEY: Is this something that you looked inside?

A We expanded it just, and looked to the bottom of the bag to see if a shell casing had fallen inside.

MS. WHIRLEY: You didn't do a thorough search of it or anything?

A No.

MS. WHIRLEY: Okay.

A Number 121. Photo looking down into his gear bag.

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Q (By Ms. Alizadeh) Now, can you describe what this thing is here?

A It appears to me to be a wood baton.

Q That's something that some police officers carry?

A Yes. Image 122. The gear bag has been taken out of the seat and when it focuses in now, I'm just showing the rain coat or traffic coat lying in the floorboard. Most of these coats are reversible.

Image 123. The inside would be the bright yellow or traffic yellow color, you can turn that outside when you are directing traffic in the rain and inside, obviously, the exterior and that was removed, that was the last photo of his car.

Now, we're moving back to the eastern part of the crime scene. Image 124. Okay. I'll ask you to look at the diagram on page one so you can get a reference to where this is. On the far right-hand side you see two evidence bubbles labeled 19 and 20. If you look at the top part of this photo, I don't know if it is blocked by the camera, you can see a large red stain here in the middle of the road, that was the location of Michael Brown's head. Farther up the road here would be Darren

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Wilson's car. So we are standing at the eastern end looking west. What these other items are, are two blood spatter patterns that are located farther east of Michael Brown's body on the ground.

Image 125.

Q Now, let me not correct you, but clarify, you said blood?

A I did.

Q You didn't test it?

A I did not test it.

Q So it is called red stains?

A Yes.

Q Somebody else will testify about what it was?

A It is a red stain similar to a spatter pattern that I would recognize as needing to be documented and possibly important to the case.

Q You've seen crime scenes before where there are blood trails or blood spatter, and you know that sometimes those spatters can give you some information about what was going on when that blood was dropped onto that surface?

A Yes, ma'am, I've seen it in several crime scenes. I've taken several classes on recognizing, interpreting and the correct way to document these

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things. I am not a certified expert and I would never claim to be in pattern analyst.

Q So you recognize that these actual, what you call blood spatters, we think they are blood spatters at this point?

A Right.

Q That they needed to be documented?

A Yes, ma'am.

Q Okay.

A So this would be an intermediate view of 19. I know the other picture isn't readily available to give you an orientation, the point of this placard is pointed west down Canfield, if that makes sense.

So the stain was nearer his head?

A No.

So just the opposite?

A Just the opposite.

Can I ask one question. You talked earlier about a break in the investigation due to additional gun fire; is that right?

A Yes, ma'am.

Is that by citizens or

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police?

A It was not by the police.

Not by the police.

A We don't know who it was.

That wasn't in the crime scene at all?

A No, it was from where I was standing, which in your diagram would be the building, the building on the south side of the road of it sounded like it came from directly behind that building.

So there is no way that this could have been part of this?

A No.

Okay.

A We had already identified, located this spatter prior to the second round of gunshots.

Image 126. Intermediate view of the spatter pattern and clarifying this end of this pattern would be closest to Michael Brown, this would be the farthest part.

Q (By Ms. Alizadeh) But Michael Brown's body is in between the blood spatter and Darren Wilson's vehicle?

A Yes, ma'am.

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Q So blood spatter is farther east from the body?

A Yes. These two spatter patterns are the farthest east evidence that we located.

Q All right.

A Image 127. Same thing, directly overhead view with additional scale laid in for analysis purposes.

Image 128. At this point I think this would be an intermediate view of the same spatter pattern. Again, with more than one scale to assist experts in size and shape.

Image 129. Similar photos before, different orientation of the camera.

Q And so the placard and that scale?

A Has not moved since the previous photo. Basically the photo before, if you can picture I'm standing facing directly west, now I've oriented myself where I'm facing south and the placards are still in the same direction.

Image Number 130. At this point I have switched camera lenses to what we will refer to as a prime lens. The lens I typically use for overall photos is 18 to 35, kind of a wide angle lens. I switched to a 60 millimeter lens, which is

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a fixed focal. It is something where you can get close-up images of something with great detail. It doesn't zoom in or zoom out, it only focuses at fixed length. It can focus in really close to small objects to find greater detail.

Q And although you can't see the placard clearly, that's number 19?

A Yes, ma'am, still number 19.

Q All right.

A Image 131. Again, the overhead projector isn't showing a lot of detail, but this is just a close-up image of number 19 still, and I'm focusing on the scale to show, an analyst would describe as a tail of the red spatter pattern.

Q And that's also 19?

A Still 19, yes, ma'am.

Image Number 132. Now we've moved back to image, I would have to go back to the overall one first, number 20 is an overall position.

Q You want to look at your diagram?

A I need to see the overall of the two placards together. Number 20, in the overall. Can I put this back up?

Q Sure, but say the photo number.

A I'm going to put Image Number 124 back up

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just to show you the orientation of the placard. Again, the corner arm of the placard is facing back towards Michael Brown's body and Darren Wilson's police car.

Now, going to Image 132, so this pointer arm of the placard is facing west. I'm standing on the north side of the road looking south to take this photograph.

Image 133. Intermediate view again. The placard is facing west again looking at this red stain pattern.

Image 134. Again, evidence item number 20, red stain pattern still standing on the north side of it looking south.

Image 135. Same perspective, I've now added a second scale to reference size and shape.

Image 136. Again, here I switched back again to my macro lens or my prime lens to show up close and with greater detail the tailing pattern of the spatter.

Q And that's item number 20?

A Still item number 20, yes. Image 137. Still on evidence item number 20. Again, another photo, same reference as before.

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Image 138. Still evidence item 20, yet closer view of a tail.

Image 139. Scale in the previous photo, this scale was referenced this direction. I moved the placard out of the way and referenced this scale to the bottom of it to give you a reference point. This is on the, this is the eastern end, this up would be the north, I'm sorry, to the west back towards Michael Brown's body.

Q Okay. Now, regarding these two red stains, 19 and 20, did you seize them and package them?

A Yes, I seized a sample of them.

Q Was it in a similar, same method that you described seizing the red stain on the side of the vehicle?

A Yes, ma'am. Sterile Q-Tip with sterile water and then put into its own individual packaging box.

Q And those are still labeled items number 19 and 20?

A Yes, ma'am, sample of item 19 and 20.

Q So in this case, you didn't consume the whole stain?

A No, ma'am, it would be enough to fill a

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Q-Tip.

Q And you know you don't need more than a small amount for testing purposes?

A Yes, ma'am.

Image Number 140. Basically this is a photograph showing how I have reorientated the scale that you saw in the previous picture. This way, I'm sorry, again you can see the placard for 19, which is this other splatter pattern, and 18 is a placard for a piece of evidence that had already been collected, but the placard is still in place.

Q Item Number 18 would have been listed on your diagram as to what that was?

A Yes, ma'am, I believe item 18 was another spent Federal shell casing.

Image 141. Same thing as before, it is another image showing how I moved the orientation of that scale reference item 20.

Image 142. Just like with the previous scale of photos, I go from my intermediate, my overall, to my intermediate, again, this would be the intermediate showing the new reference point or orientation of the scale.

Item 143. This is a photograph, again, I had switched to my macro lens and took the

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photograph with the scale below, the photograph here. It did not show up in the frame.

Q And this is item 20 still?

A Yes, still item number 20.

Image 144. The same shot as before with the scale in the frame.

Image 145. This image shows several things. This is the overall image of evidence items 21 and 22, which we found and you will see in the next few photographs, the final two shell casings to get to 12 shell casings. The first thing you will see in this image number one is the Ferguson car is still here, we have pushed the crime scene back at this point in time. Here again is the pile of tarps and sheets that we used to shield the view of the public. You can also see these are evidence placards for 11 and 12. Those are other shell casings that we found previously and had already collected.

This is the end of our, towards the end of my investigation here for physical evidence and it shows that we never stop in the order that we find them. Obviously, 11 and 12 wouldn't necessarily be next to 21 and 22, with 15 being over here. It is just the order we found it at. The

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very end of the crime scene we finally focused the time finding those last two shell casings we found them over here in the grass.

Q So just because it is not clear on the overhead, what is that one?

A That is the placard for evidence item 11.

Q And that is?

A Twelve.

Q Is this a placard?

A Yes.

Q What is it?

A That is 22.

Q What's this one?

A That's 21 is the farther one away. We found 21 first and then continued looking and we found 22 closer this way.

Q Okay.

A Or closer to the west.

Image 146. Almost identical to the previous photo, just kind of an intermediate view.

147. Intermediate view of the placard for 22.

148. Same thing, intermediate view of the placard.

Image 149. You can see this is a

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close-up view still of the placard number 22 and if you can see, which is hard to do, this round object here, that is the very opening of the spent shell casing.

Q It is easier to see on the photo?

A It is a lot easier to see in the photograph, and it can also show when they are sitting straight up like that, impossible to see with the naked eye.

Q How is it that they found this?

A Three of us were on our hands and knees with gloves on just patting our way through the grassy area to feel a rock or a hard object, you dig down and we were able to locate the shell casing.

Image 150. Overall view again. The placard for evidence item 21, there is the pile of blue tarps, we are moving farther to the east on Canfield here. The Ferguson vehicle still on the scene.

Image 151. Intermediate view of the placard.

Q Can you see the casing in that image?

A Not yet.

Image 152. Closer up. You can start to see silver edge here buried in the grass.

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Image Number 153. There's our close-up view and there you can still kind of make out the edge of a spent shell casing.

Q And that's item 21?

A Yes, ma'am.

Q Now, so the total things, you seized all 12 shell casings, correct?

A Correct.

Q Now, what is a projectile?

A Projectile would be the term of the bullet that is fired from a shell casing, the piece of a cartridge that comes out of the firearm that would be the projectile.

Q Did you seize any projectiles or partial projectiles?

A Something I would refer to as a parent projectile.

Q Was that one of the items that you had to collect primarily, you had a chance to do a close-up and intermediate photograph?

A Yes.

Q What number was that on your diagram?

A It is item number 17, and in your diagram it is the north side of Michael Brown's right foot on the ground next to him where you see the number

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seven, the small bubble that says 17, what I collected as an apparent projectile.

Q Someone you also conveyed that as well as the samples of the stains, 19 and 20 and number eight and number nine, those all went to a lab for somebody else to analyze, correct?

A Yes.

Q Any other projectiles recovered at the scene?

A No.

Q And again, other than crawling on your hands and knees, you ever like get metal detectors out there and try to recover projectiles?

A Every crime scene van is equipped with a metal detector. They're primarily used for finding shell casings and heavily grass areas or other pieces of metal evidence. We have used them before to look for projectiles, we understand that when a bullet is fired, a projectile doesn't stop necessarily for a lot of things, including the earth.

Where we would see what looks like a bullet may have skipped into grass and you would swear it has to be there. It could have skipped and gone up and farther away, or if it is fired into the

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ground, it is going to be so deep, it would take a lot of manpower and/or just work to get it out and not guarantee that you will actually be able to recover it.

Q I guess for the sake of understanding this, when shell casings are ejected, you know they travel in a predictable direction and somewhat in a perimeter that doesn't go beyond a certain area, like you are not going to look in the next block for a shell casing?

A No, not for a shell casing.

Q Right. They tend to be somewhere closer to the crime scene or to the point where they were ejected from the gun, correct?

A Yes.

Q But projectiles, would it be safe to say, that could be two blocks away?

A And then some, yes.

Q Okay. You may continue. In this regard, did you search the rest of the area, including buildings and trees and objects to determine if you could find a projectile that might have become embedded in something?

A This next set of photos, yes, we searched one spot.

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Q All right.

A Image 154. This is the front building of Canfield, which if you want to look at your diagram, it would be the building on the southeast part of the crime scene.

I would be close to where the orientation of this, if you look at this window here, this window right here is where we were eventually heading to in this photo sequence. To reference where we're at, straight out here into the middle of the street is where Michael Brown's body had been to orient you where this photo was taken.

Photos 155. Close-up view of the address plate.

156. Is a closer up view.

Image 157. Again, this part of the building right here is where I just took the image of the plate and now we are looking down here at this window in particular.

: Did you say that apartment is due north of where Michael Brown's body was found?

A South side of the street.

South side.

A The building that is on your diagram.

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MS. ALIZADEH: .

A , but it is the southeast corner. That is not to scale.

A It is not to scale. Okay.

A We put that in two spots. That's what accident reconstructionists do when we draw these, we are not accident reconstructionists. Okay.

A Image 158. Intermediate view of that apartment window, and what we are looking at here is a defect into the siding.

Image 159. Same window, same defect.

Image 160. Just a close-up view of this defect. At this point in the investigation, we recovered all the shell casings, the spent shell casings and the number, the 12 that we needed to account for.

This was a defect that was brought to our attention by a witness that from what I can testify to wasn't there when the shooting occurred, but lived in this building and brought this to our attention. I think there is a bullet hole in our siding.

So we go up to look at it after this

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photo was taken. I took out about a 6 foot section of her siding and the insulation that's on it. Behind it is three quarter inch of plywood and then in between the plywood there's about a 4 inch gap and goes into solid concrete cinder block wall.

I could see inside of it that whatever that was that caused that hole was not sitting behind there and this was above the window and it was open behind there.

To continue to look for apparent projectile that might be in there I would have to remove that siding all the way around to that window, the plywood all the way around and cause significant damage to that apartment building.

Again, without guaranteeing any hope of actually finding something because I've done this more than once into just a drywall piece where you see this and you take it all out and realize that it just caused that hole and skipped off somewhere. I've also seen where things have gone through something like that three or four layers of wood, hit something concrete, you get it, it just looks like a penny and it just smashed.

And the firearms ballistic expert will testify that sometimes bullets get mangled to

the point you can't confer anything from this then. So we made the decision at that point, after I had removed the siding to not do any more damage to this lady's outside of her apartment.

Q (By Ms. Alizadeh) And, in fact, you don't know that that was even made by a bullet?

A No, no.

Q Could be a woodpecker?

A Anything. You can tell it is not exactly a round defect, which is something you typical see with a firearm. Not to say that a firearm couldn't do that, but it could have been anything. There was no guarantee or eye witness that said I was standing here when this happened and this is brand new damage.

This, in fact, we walked around that immediate apartment complex and found a few other damages and defects to siding that had cobwebs on this and could tell they had been weathered or old from the time we were there.

Q You did search the surrounding areas and you were not able to find any other apparent bullet holes and no other projectiles?

A No, ma'am.

Q And then your last?

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A Final photos is Image 161. I explained at the beginning this would be the first and last photos that we take in our memory cards for our photo technicians when they look at our files to know what the beginning and ending of the scene is.

Q All right. I have two other areas to cover very quickly. Going back to Grand Jury Exhibit 2, this is your diagram. So you've already testified that one of the last things, let me ask you this, after you've done the photographs and seized all the evidence that you described, what's the next thing you do?

A Now we start diagramming.

Q Okay.

A Photograph our evidence, selected our evidence, accounted for every piece of evidence that we know of at the time. The body has been moved, cars have been towed, we go back now to diagram the scene.

Q All right. Now, on Grand Jury Exhibit Number 2, is this the diagram you made of this scene?

A Yes, ma'am.

Q And so we referenced this before, you have here not to scale?

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A Correct.

Q What does that mean, not to scale?

A The items in this photo that are not to scale would be obviously number one, the size and shape of these apartment buildings, we have them just as plain rectangles. The size and shape of the width of the road as compared to the size of the vehicle.

If you look as far as scale drawings go, this vehicle is the same size as Michael Brown here. Those things are hard to do with the software we're given and the tools that we use as crime scene detectives to draw into scale on a CAD type drawing.

Also the size of this entry point on Caddiefield, the driveway is not the same size as this one. They may be in real life, but whether we measure to scale or measure for our plotting purposes of evidence, we don't measure those types of measurement.

You can see down here in the lower baseline starting at 0.0 feet.

How we do the diagrams is I took a long screwdriver and at the corner where Copper Creek Court comes into Canfield, I drove a screwdriver down into the dirt and hooked my 250

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foot measuring tape and 0.0 there. Then from the edge of the road from Canfield, run from 0.0, we run that tape measure out as far past our last piece of evidence that we need to. If you look on page two of the diagram, it has the measurements and lists of evidence that was collected.

How this is measured and the reason why we do this diagram is one, to kind of show a visual picture of the scene, but two, if we ever needed to go back and put evidence back in place, we can easily go back and do that with very little effort.

As basic as it is, if you look, I'll use evidence item number 19 I believe is the farthest one away, you will start at 0.0 and the your first measurement you will see is listed as.

Q You all have your diagrams and probably easier to look at the overhead.

A So I will use evidence item number 18 as my example, or 19, it is even number. If you look on the diagram, evidence item number 19 is the bubble here that is farthest to the east.

The first column of measurements shows baseline west from Copper Creek, so if you look at the baseline measurement here and walked

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west 31 feet and stopped, in the second column of measurements shows 11 feet 9 inches south of the baseline. So if you measured 31 feet west, 11 feet 9 inches south, that spot right there is where evidence item 19 is at.

You do that for every piece of evidence, even down here the ones, the shell casings we found in the grassy area, evidence item 22, you are 47 feet 4 inches west of the baseline and then 31 feet 3 inches south and you'd find the exact spot where that evidence item was placed.

The measurements, we did those intersecting measurements for items number 1 through 22.

Q Let me stop you. Do those include items like eight and nine, which I think were on the vehicle?

A Yes. If you will notice eight and nine do not have measurements on them because those were found on the police vehicle on the driver's side door. So in the second section of marked, it is labeled Ferguson Marked Police Vehicle Number 108, you will find the measurements for the location of each of the four tires from the west baseline and south of baseline measurements. And from there we

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could --

Q You could put the car back?

A We could put the car back where it was at and show you by photographs where those red stains were located. The same for Michael Brown's location, the same exact technique for west from 0.0 baseline, and south left foot and right foot, left hand, right hand and head, and then on the bottom it has a sentence that states again, the baseline runs east to west on north side of Canfield Road, which 0 feet 0 inches stops and Copper Creek Court. That's how we do diagramming situations.

So to label this not to scale is because these things, if you blew it up to life size, this might not be 153 feet or 152 feet 9 inches. To show you the reason why we put that on there is to give you the scale of this size of thing.

Q So just to clarify though, that distance that is between that you already testified about and it is blurry here, but the distance from this point to this point?

A That measurement is from the driver's side front tire of Darren Wilson's police car to the head of Michael Brown.

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Q All right. And you said if you blew it up, it might not be 100, whatever that number is?

A As far as to scale and size.

Q But that actually is the distance actually between those two items?

A Correct.

Q Okay.

So the diagram isn't to scale, but the measurements are exact?

A The measurements are to scale, but the diagram is not drawn to measurement scale.

MS. ALIZADEH: Does anybody have any questions about the photographs or the diagram? Okay.

Q (By Ms. Alizadeh) Last thing I have for this witness and this will probably be less than five minutes, unless Sheila can think of other questions. Detective, you took a crime scene video, you have already testified about that's one of the first things you did after your initial walk-through, then you do a video?

A Yes.

Q And I have marked this Grand Jury 4.

(Deposition Exhibit Number 4 marked for identification.)

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Q (By Ms. Alizadeh) I'm going to play this video right now.

You've testified there is audio, but you're not talking on it; is that right?

A Yes.

(Video is being played.) (End of the video recording.)

Q (By Ms. Alizadeh) Now Detective in that video, and you're the one taking the video?

A Yes, ma'am.

Q We see you walking basically right around the body shields, body screens?

A Yes, ma'am.

Q That you have put up?

A Correct.

Q At that point in your investigation, had you found the two red stains that were, I think, 19 and 20?

A I don't think so, no.

Q Those stains went past that location?

A Yes.

Q All right.

MS. ALIZADEH: I think that's it. Sheila, do you have any questions.

MS. WHIRLEY: Yeah, just something for

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clarification. You may or may not have covered it.

Q (By Ms. Whirley) Your job is not to investigate the crime, is it?

A No, just to collect, document, photograph the evidence.

Q You don't talk to any lay witnesses and try to determine what happened or anything like that?

A No, ma'am, information from witnesses is usually given to the crimes against persons detective that you will hear from later. Items of evidence that may come to light from their interviews is given to me from other detectives. I do not interview witnesses myself at any time.

MS. WHIRLEY: Thank you. You all have anything?

I have a question about projectile. I know earlier you mentioned inside of the patrol car there was no casings?

A Correct.

: Was there a projectile in there.

A There was one recovered later, not by me, it was another detective, I'm sure you'll hear from

him that he processed the vehicle at our crime lab.

: The one that was found, I think it was number 17, labeled 17.

A Yes, sir.

: Is that one that entered the body and came out?

A I can't testify to that. One of the ballistics firearms people that you might hear from, they can answer those questions, I cannot.

Yes, ma'am.

: . In the video I'm seeing, and your photographs, I'm seeing that there was shattered glass within the vehicle?

A Yes.

I'm only seeing two pieces sitting in the driver's seat of Officer Darren Wilson's vehicle.

A Yes, ma'am.

Was there any on the floor that you recall, I didn't really see any in the pictures as well?

A I haven't looked at the other detectives' photos extensively. I know when I went to the crime lab to finish packaging my evidence, the vehicle was down there and there was a significant amount of

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glass inside the door panel itself once they removed that cover.

Inside the door panel itself?

A Yes.

Can you tell me what kind of vehicle is this, do you recall?

A It was a Chevy Tahoe.

Chevy Tahoe.

A Chevy SUV. I'm not sure if it was a Suburban or a Tahoe.

All right, thanks.

MS. ALIZADEH: Just real quickly. There was another part of your investigation you did another video from a perspective and that was because you were told somebody saw something from a particular window; is that correct?

A Yes, ma'am, I did one and I know another detective that was at the scene did other ones. The one I did as far as where, I can't remember the address, it is on the evidence receipt, they had us go to different eyewitness perspectives just to stand there and video similar to this. There is not narration in it, it simply is a video, me standing, or whoever the camera operator was at the time,

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standing where the witness states they were standing and observed whatever it was they observed.

Again, there is not a narrative stating they saw this, they were seeing this and my particular video I know that I stood at the section where the witness stated she saw what was going on. I attempted to use our video camera to zoom in across the parking lot where she was saying she could see everything happening.

My camera would only focus on the screen part of the door. It was through a sliding patio door, it would only focus on the screen no matter how much I would zoom in, it wouldn't show the scene from her perspective. I zoomed back, you had to step to the left and then zoomed in again to show the distance where she was seeing things and kind of give you a reference point because at the time when I did my witness perspective video, it was after we had picked everything up.

It was the last thing, a witness had come forward at the very end and said hey, I think I saw this from here. The detective interviewed and asked to go down and shoot a witness perspective from her standpoint.

MS. ALIZADEH: You will see that video

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later, but I would rather show that to you in conjunction with that witness testimony so it will be easier for you to kind of tie those together, but from his perspective, you know his job, your job was then just to stand, whatever witness says where they were and film where she says what she saw she saw?

A Yes, ma'am.

Q (By Ms. Alizadeh) And the purpose of that is just to see could she see that, are there things in the way, was it such as that, correct?

A Correct.

Q Now, you said that from filming it, the camera would not focus beyond the screen?

A The human eye could see through the screen and focus on a point farther than that.

Q Okay.

A The camera I was using at the time has focal limitations and would focus just on the screen.

Q Let me ask you this, from your eyewitness perspective, could you see, not what she saw, could you see the place where she said she saw something?

A From that specific perspective, she could only see where Michael Brown came to rest.

Q Okay. And so from whatever perspective

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she was, she could not see farther west to where the officer's vehicle was?

A No.

Q Okay. But you are standing in her position, you could see where Michael Brown's body had been?

A Yes.

Q How much farther west could you see beyond Michael Brown's body?

A You could see from the angle she was at, which was to give you an orientation because I can see it in my head. She was on the northeast part of the apartment complex.

Q Let's use your diagram.

A Here it is. Her apartment building, if this is the entrance to Copper Creek Court, her apartment building is farther back this way, which would be the upper right-hand corner of the diagram.

Again, this is not to scale, this building in particular comes from close to this driveway. Her perspective, and if I can come up here and use my finger to show, her perspective would have been on this line and the corner of the building would block the red stain where Michael Brown's body had been. You could just barely see

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the stain in the road, the red stain in the road where his body had been.

Q The large stain that was at his head?

A Yes, that was still present. It was at an angle just like this, where this building would have come out at that angle and cut that part of the scene off where she couldn't see anything else.

Q Okay. Do you remember her name?

A I just wrote down her address.

Q When that witness testifies, we will play that video for what it's worth given the focal limitations of the camera? Could she see to the east the full rest of the crime scene?

A Yes, it was a third floor apartment.

MS. ALIZADEH: Anybody else? And as always, if there are questions later on of this officer and you would like to have him brought back, he will come back.

All right. That concludes the testimony of Detective . And that will conclude the evidence for today, September 3rd, of the grand jury investigation into the shooting of Michael Brown.

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(Court reporter reads the end of the recording information and that is the end of the September 3rd, 2014 grand jury hearing for today.)

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State of Missouri
SS.
County of St. Charles

I, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to and the answers given by said witness.

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I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.

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COURT MEMO

State of Missouri vs. Darren Wilson

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STATEMENT OF DEPOSITION CHARGES

DEPOSITION OF Hearing Before the Grand Jury,
Volume 2

9/3/2014
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Clayton, MO 63105

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Notary Public

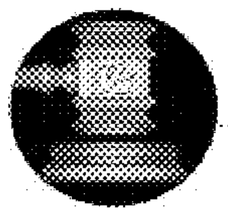
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Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury

Date: September 9, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 9, 2014

VOLUME III

Electronically signed by d0e125b1-3744-4b93-80e6-f9de22cfbddf

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 9th day of September, 2014, before

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APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley
Assistant Prosecuting Attorneys for St. Louis County
100 South Central Avenue, 2nd Floor
Clayton, MO 63105
(314) 615-2600

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GRAND JURY HEARING

MS. ALIZADEH: Good afternoon. For the record, I'm Kathi Alizadeh with the Prosecutor's Office. Also present is Sheila Whirley with the Prosecutor's Office, and all 12 jurors are present today and as well as the court reporter who is taking down everything that's being said as well as audio recording the proceedings that are going on this afternoon.

As you can tell, we've kind of rearranged. We're trying to figure out how to best work the room with the equipment that we have.

As you can see this screen kind of moves. Do you see the wind, the air blowing on it? It is blowing on the screen, but not on you, unfortunately. So we're going to try this out.

If this is too annoying, we'll next time try something else out, but this is a bigger screen and we thought maybe it would be easier for everybody to see it. If everybody gets car sick because pictures are kind of wiggling on there, we will figure something out.

Also, and we have some additional fans, I'm going to try to bring another fan in tomorrow to make it a little more comfortable. I'm doing the

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best I can as far as the heating and cooling.

So my understanding that you all are going to be able to be seated today from 1:00 to 5:00; is that correct? And so for today we've scheduled two witnesses. The first witness is here and it will be another crime scene detective.

His name is Detective

And then the second witness that's going to testify is the medical examiner who conducted the autopsy, his name is Dr. and because of his schedule, I'm going to tell , Dr. probably isn't going to be here until two, he's going to get here as soon as he can.

If we're not done with Detective , we are just going to interrupt his testimony because he can very easily come back on another day. It is hard for me to get the doctor here. He is going to be going out of town, so we might have to interrupt Detective and bring him back to finish up with whatever questions or additional we have with him, okay?

So with that being said.

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DETECTIVE

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Can you start out by stating your name and spelling it so the court reporter can put it in the record?

A

Q And how are you employed?

A I'm a police officer.

Q How long have you been a police officer?

A 33 years.

Q Okay. Now, Detective you are kind of a soft spoken person a little bit. I want to make sure that everybody back here can hear him and if you cannot hear him, please raise your hand and let us know if you can't hear him.

I don't think the microphone amplifies, it is recording actually. So you probably just have to keep your voice up a little bit.

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What do you do, what department do you work for?

A For the past 22 years I've been with St. Louis County Police Department.

Q And currently, what is your job assignment with the St. Louis County Police Department?

A For the past 14 years I'm a crime scene detective.

Q Now, we've already heard from a Detective about what crime scene detectives do. Would that be similar to what you do with your job responsibilities?

A Yes.

Q Are you a training officer for crime scene detectives?

A Yes, both in division patrol and also the crime scene unit. For the past 27 years, I've been a field training instructor.

I also teach the basic and advance crime scene schools at our police academy and I also lecture at four area schools and universities.

Q And is there a board certification for crime scene investigators?

A Yes, I hold currently the highest certification level that's possible through the

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International Association of Identification. I'm a Board Certified Senior Crime Scene Analyst.

Q Were you working then as a crime scene investigator for St. Louis County on August 9th of this year?

A I was.

Q And did you receive a call sometime in the early afternoon of that day to respond regarding a police involved shooting?

A I did.

Q About what time did you get that call?

A Uh, about 1:00 p.m. I was notified at home by my supervisor to respond to our office, which is in north county, to retrieve a crime scene van and then contact one of our crimes against person detectives at Christian Northwest Hospital.

Q So did you go from your home to the office to pick up a crime scene van?

A I did.

Q Now, we've also heard Detective talk about his crime scene van, were you in your separation van?

A Yes, ma'am.

Q And is your van outfitted or equipped with basically the same things that Detective van

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would have been equipped with?

A Exactly the same thing, yes.

Q And so about what time did you arrive at your office in north county?

A Probably about 2:00 p.m.

Q And then after retrieving the crime scene van, did you go directly to Christian Northwest?

A I did, I arrived about 2:20 p.m.

Q And did you make contact with a detective, now you say crimes against person, are you all familiar with the bureau in St. Louis County? The detective bureau is divided up into separate distinct units, crimes against persons is a unit that deals with, obviously, crimes against persons, but it would be homicides, assaults, rapes and so forth.

So Detective when you got to the hospital, who did you contact?

A One of our detectives by the name of

Q

A I'm sorry, Mr. Wilson was there, the assist chief of Ferguson Police Department and an attorney for the paternal order of police for Mr. Wilson.

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Q Now, you and I met yesterday and talked about your testimony and we went over things because I don't have a report from you, is that fair to say?

A Yes, ma'am.

Q And so when we talked about this, did I talk to you about the fact

the police officer who is involved in the shooting, correct?

A Yes, ma'am.

Q If at all possible,

would that be okay?

A Of course.

Q So when you arrived at Christian Northwest, Detective was there?

A Yes.

Q Darren Wilson was there with an attorney?

A Yes, ma'am.

Q And who else was there?

A The assistant chief of Ferguson Police Department,

Q Did you have a conversation with Detective about what had happened?

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A He gave me an overview, yes.
Q What did you understand your role was in responding to Christian Northwest Hospital?
A Based on the information that I received, I was to document visible injuries or complaint sites of injury on Darren Wilson. We were to document his clothing. I was going to seize his clothing and also the weapon that he carried that day.

At some point in time I was also tasked with the processing of the Ferguson police vehicle, which was a fully marked Tahoe.
Q So, Detective you said you were also then tasked with processing the vehicle, the fully marked Ferguson police car, which was a ?
A Tahoe.
Q Tahoe, okay. And so about what time did you arrive at the hospital?
A 2:20 p.m.
Q And where was Darren Wilson?
A He was in the ER room.
Q And did you have a conversation, did you introduce yourself to him?
A Of course.

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Q Were you dressed similarly to how you are today?

A No, ma'am. I was in my normal daily uniform, which consist of a polo shirt and what we refer to as BTU pants, they are cargo. The rest of my accouterments, department issue badge, obviously my side arm, handcuffs, magazine holder, and then on the polo shirt itself it is marked St. Louis County Police Department with our badge, Crimes Against Unit and on the back is pretty much glow in the dark letters that says St. Louis County Police Department.

Q Have you met Darren Wilson before this date?

A No, ma'am.

Q And so when you saw him in the emergency room, how was he dressed?

A He had his department issued Navy blue uniform pants on, his boots, but he was wearing a T-shirt. He was not carrying a sidearm or his duty leather and he did not have his uniform shirt on.

Q Did you tell him what you were there for?

A Yes, ma'am.

Q And did you ask him any questions that would assist you in knowing what to photograph?

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A I asked him what areas hurt other than what I was seeing. He went through several sites that he complained of injuries. I retrieved the ER charge nurse to make sure that I wasn't missing anything as far as the ER staff doing their initial assessment of Darren Wilson.

Q So you spoke with the charge nurse, do you recall his name?

A No, I do not.

Q Did he indicate to you that there were additional injuries that you did not assess or not see?

A No, we walked through with Darren Wilson his injury complaint sites, consisting of mainly his facial area, the back of his neck and he said his head hurt.

Q Did you photograph the areas that he indicated hurt?

A I did.

Q Now, we also heard Detective yesterday, not yesterday, I keep saying yesterday, previously, about when he photographs crime scenes, are you all instructed similarly that you would have, I guess, a procedure that you follow in how you do photographs?

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A Correct. There's a standard format that we teach in the crime scene school and we also teach during our field training program.

There's a normal sequencing event. In this case you take overall pictures, you take what's called midrange pictures to tie in that location to something else that's recognizable, you will take a specific image and in these kind of circumstances you'll also put a measuring device or a scale in your information to give you an idea of how large this area is or how small this area is.

Q Did you do that when you were photographing the injuries on Darren Wilson?

A I did.

Q And then after you completed all of your investigation in this case, did you remove the memory card from your camera?

A I did.

Q And did you have those, I can't remember, do you burn it onto a desk or do you take the memory card to the lab?

A No, the memory card is placed in, in the old days referred to as a film envelope, and then that was hand carried by myself to our photo lab. The photo lab will download the original images from

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the media card onto a disc and then after that's completed, on homicide cases, officer involved shootings and other cases of note, they will print the photo lab, meaning they, will print 8 X 10 photographs. This was done in this case.

I will respond back to the photo lab, those images are reviewed my me and then they are stamped with official photographs and for the prosecuting attorney's set. I will circle the image number on the back of the 8 X 10s and put my initials and DSN on the back of them.

Q All right. Did you do that in this case?

A I did.

Q When you examined the photographs after the lab had printed them out, did the lab print each and every image that you had snapped during your investigation?

A They did.

Q So there is no images that you deleted from the camera or images that might have been developed that you discarded?

A Absolutely not.

Q Do you in any way crop these photographs?

A Absolutely not.

Q Do you in any way edit them or use a

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filter when you are photographing or change or enhance color?

A No, ma'am.

Q Do you recall how many photographs you took in this case?

A I believe around 50.

(Deposition Exhibit Number 10 marked for identification.)

Q (By Ms. Alizadeh) I'm going to hand you what I have marked as Grand Jury Exhibit 10. Did you and I get this envelope yesterday, did you recognize this from my office yesterday?

A We did. When I stamp these photographs, I fill out the front of this with a header information as far as date, complaint number, what type of incident it is, and in this scenario since I went to three different locations, those three different locations are also marked on front of the envelope.

In addition to that, I put my information on there as far as crime scene unit, Detective my DSN.

We also stamp in front, which matches what's on the back of the photographs so it is marked official photograph. And as far as the dissemination, in this case this was marked PA,

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standing for the prosecuting attorney's office.

Q All right. And I want you to remove the photographs that are inside Grand Jury Exhibit 10. And just briefly leaf through them. Do those appear to be the photographs that you took during your investigation of this case?

A They are.

Q And do they, each photograph bear your markings where you stamp them as an official photograph and you circle the image number and place your initials there?

A Yes, ma'am. It is reflected here.

Q Okay. Can you tell me what the last photograph that is in that stack is numbered?

A Number 50.

Q Okay. So you have 50 photographs in your hand there?

A Yes, ma'am.

Q And so for the sake of ease, if you want to sit in that chair right there, and I will have you one by one we're going to go through each photograph and you are going to describe what is depicted in that photograph. So this is Image Number 1, correct?

A It is.

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Q We already have testimony from Detective about the placard that is photographed, is that your habit to do that as well?

A Every time, yes, ma'am.

Q And that contains the date that the photograph, what date, is that the date of the incident always or the date that the photographs are being taken?

A Usually both. If I respond to a scene to photograph that, if it is the original scene, at this point it was, then the original date here.

Now, if I had been involved in this with further investigation, if I have another aspect of this investigation, I will put in parentheses next to the complaint number the date of the original incident. Let's say we had to go back and do something today, okay.

The date of the original incident would be here next to the county complaint number, but the date of the image that I took, these would be in the first part.

Q So in this case, your investigation?

A Occurred on 8/9/14 yes, ma'am.

Q That was the date of the shooting?

A Correct.

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Q And then we've already had some testimony, the top number is the county complaint number?

A It is.

Q And below that is the Associated Ferguson Police Department generated complaint?

A Yes, ma'am.

Q And then the incident as it was called in originally, correct?

A Correct.

Q And then is that your department serial number?

A Yes.

Q And your initials?

A And DSN.

Q All right. And can you go to Image Number 2. I will take these from you as we go.

Can you then go ahead and describe for the jurors what appears in that image?

A This is an overall view of Darren Wilson at the time of my investigation. As I described to you folks earlier, this is how he was dressed.

Q Hang on a second, I don't want to put anybody to sleep, but I'm going to try and see if it goes totally dark.

For the record, I was just adjusting

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the light to make it easier to see that image on the screen. And is that how he appeared in the emergency room dressed in a T-shirt and the pants he's wearing, those are his department issued pants?

A Yes, ma'am.

Q All right. And Image Number 3?

A Image Number 3 is an overall view of the back of him from the rear.

Q I think push it up?

A I'm trying to lose that glare.

MS. WHIRLEY: Can you zoom it in some?

Q (By Ms. Alizadeh) I don't know how to make that different. Again, if you want the photos passed around because it is easier to see the actual photograph, but for the purposes of this testimony.

: . I want to see the first picture.

MS. ALIZADEH: You want to see Image Number?

I personally, if you can give me the picture.

MS. ALIZADEH: And when this is done, if you want, we'll just pass them through you, okay, because there aren't a whole lot of these

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photographs.

Image Number 3 again, this is the back of Officer Wilson, correct?

A It is.

Q (By Ms. Alizadeh) And are you aware of the T-shirt that he is wearing, is that the T-shirt he had on that day?

A It is.

Q And when you, I know you didn't examine him like a doctor, did you see anything on him that indicated that he had been bleeding?

A No, ma'am.

Q No open wounds?

A None that I observed, no.

Q Did you ask him if he had been bleeding or if he was cut?

A I did.

Q And what was his response?

A He said no.

Q Okay. Now Image Number 4. No, wait, that was Image Number 4, isn't it?

A Correct.

Q And just for the record, we have to make a record, Image Number 4 is?

A Overall view of the facial area of Darren

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Wilson.

Q Image Number 5?

A Overall view of the left side of his face.

Q Image Number 6?

A Overall view of the right side of his face.

Q Image Number 7?

A It is a part of a series of two, the first part of this is a close-up view of the left side facial area without a measuring device.

The next image is one with the measuring device.

Q And the next image is Number 8?

A Yes.

Q All right.

. What is it you are measuring there?

A That was one of the injury complaint sites by Darren Wilson. He complained that his face was hurting. So when I asked him specifically, he pointed to these sides of his face. We'll get to it shortly, but also the back of his neck.

Okay, thank you.

Q (By Ms. Alizadeh) That is Image Number 9?

A It is. Again, part of a series of two,

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this is a close-up of the right side of his face without a measuring device and then one with a measuring device.

Q And with the measuring device is Image Number 10?

A Correct.

Image Number 11 overall view of the back of his neck.

Again, part of one, two series of images, close-up view of the back of his neck without a scale.

Q And that's Image Number 12?

A It is. And 13 reflects one with the scale.

Next Image 14 is the left rear side of his neck without a scale and 15 with the scale.

MS. WHIRLEY: Sheila Whirley. What are you measuring on there?

A Again, Miss Whirley, just a complaint site that he complained of.

MS. WHIRLEY: So that line of demarcation does not have anything to do with the complaint site?

A No, ma'am, that's a natural crease in his neck area.

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Q (By Ms. Alizadeh) Next Image Number?
A 16.
Q Okay.
A Is the right rear side of his neck without a scale, and then 17 is with a scale.
18 is the left side of his neck without a scale, and then 19 is with a scale.
Q All right. So those 18 total photographs were how Darren Wilson appeared when you photographed him on August 9th shortly after 2:20, or about what time did you actually photograph him?
A At 2:20 that's when I initiated my, I turned my back to you folks, I'm sorry, that's when I initiated my investigation and documentation as I stated earlier of the injury sites that Darren Wilson complained of.
Q Did you photograph any other parts of his body?
A No, ma'am.
Q Did he complain of any other injuries?
A No, ma'am.
Q Did you examine his hands?
A I looked at them, I did not examine them.
Q Okay. Did he complain that his hands were injured or hurting in any way?

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A No, ma'am.
Q When you looked at his hands, did you see the backs of his hands?
A I did.
Q And did you notice anything that appeared to you that might indicate an injury to the backs of his hands?
A No, ma'am.
Q Now, at the hospital, did you seize anything from Darren Wilson?
A I did not.
Q And you had indicated previously that you were also charged with the duties of seizing his clothing?
A Correct.
Q And his gun?
A Correct.
Q And now you said that he had his department issue pants on in the hospital; is that correct?
A Yes.
Q Did you talk to him about those pants?
A I did.
Q And did he show you anything on the pants?
A He said there was blood on his left thigh.

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Q And did you look at the pants?
A I did.
Q Did you see something that was some type of stain on the left thigh of his department trowsers?
A I did. There was a reddish stain on the upper thigh area.
Q And did you photograph those pants in the hospital?
A No, ma'am, we did that at Ferguson Police Department.
Q Did you seize his pants at the hospital?
A No, ma'am.
Q Why is it that you just have him take his pants off right then and give it to you?
A He had nothing else to wear. I didn't want him traveling in just a hospital gown back to Florissant Police Department.
Q So was there a decision made for you, as well as Darren Wilson and others to go back to the Ferguson Police Department?
A Yes.
Q And was there a discussion about somebody bringing clothing for him?
A Yes. I did discuss with Lieutenant

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Colonel from Ferguson Police Department to see if we could make arrangements from

whoever, to make arrangements if they could bring clothes to Ferguson Police Department so that Darren Wilson had something to wear home that day.

Q All right. Now, did you travel directly from the hospital to the police department?

A I did.

Q Now, let me ask you this, getting back at little bit at the hospital, did you ask Darren Wilson any questions about what happened that day?

A No, ma'am.

Q You didn't ask him about, tell me what happened or anything of that nature?

A No, ma'am.

Q Did you hear him talking to anybody else about what happened that day?

A No, ma'am, not while I was photographing.

Q All right. So did you go by yourself in your crime scene van to Ferguson?

A I did.

Q To your knowledge, did Darren Wilson travel there with another officer?

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A Lieutenant Colonel I believe, yes.

Q Did you all arrive at the Ferguson Police Department at around the same time?

A Yes.

Q When you got there, what's the first thing you did?

A After meeting with Detective Darren Wilson, Lieutenant Colonel we entered Ferguson Police Department and went to their detective bureau.

I was told that's where Officer Wilson or Darren Wilson's department issued firearm was, his uniform shirt and that's where we were making arrangements to have clothes brought to him so I could document the uniform that he was wearing and also seize those uniform pants from him.

Q And so when you went into the detective bureau, did you locate the weapon?

A Yes, I inquired of its whereabouts and I was told that someone had placed Darren Wilson's department issued side arm in an evidence envelope, which wasn't sealed. It was on a desk there in the detective bureau with other detectives from that department present.

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Q And did you locate that envelope with the firearm inside of it?
A I did.
Q And you said it wasn't sealed, did you remove the contents of the envelope?
A I did.
Q What was inside the envelope?
A His department issued Sig Saur firearm, the magazine and one live round, and that's how the firearm was placed in that envelope. I did not download that weapon when I inquired about it. I was told that Darren Wilson had downloaded the weapon and then probably at the direction of the supervisor, it was placed in that envelope and merely for conveyance purposes, I assumed from the scene back to Ferguson Police Department until I arrived.
Q But that was not your firsthand knowledge, correct?
A No, ma'am.
Q So the gun, the empty magazine and one live round was in that envelope?
A Correct.
Q And you were told that the gun was downloaded by Darren Wilson?

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A Yes.
Q And you all know what that means, downloading, other than like on the internet, can you explain what that means for the jurors?
A Sure. When you download a semiautomatic weapon for our terminology, that means that the magazine is removed, all rounds that are in the magazine and whatever is chambered is removed and the slide is locked back. That's a safe way to store a weapon.
Q So was that in the condition it was when you got it out of the envelope?
A Yes, ma'am.
Q Okay. And now you are not a ballistics person; is that correct?
A I am not a certified ballistics expert, no, ma'am.
Q Are you familiar with this weapon?
A Very.
Q And is it, in fact, the same weapon that you carry?
A Yes, ma'am.
Q And so did you, when you removed the weapon from the envelope, did you photograph it in the state it was in?

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A Yes, ma'am.

Q Okay. Let's go through those. Your first is Number 20, I believe?

A It is. Once I removed the weapon, it was laid on top of the Ferguson Police Department's evidence envelope in exactly the condition that I removed it from.

Q You and I talked about this yesterday, what's this thing right here?

A That is just part of the seal on the back of their evidence envelope. I did not apply that and nor was it sealed.

Q Okay. And this portion of the weapon, that's the slide of the weapon?

A It is.

Q And it is locked in the pulled back position?

A Correct.

Q Can you --

MS. ALIZADEH: We have a question? When you handle this evidence, are your hands gloved?

A Always.

: Even when you are photographing?

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A Always, yes, ma'am.

Okay.

A As a general rule, I always wear two sets of gloves. If the first set becomes contaminated or in this case, if I was to swab this for any other potential forensic evidence. That first set is removed before I move onto the next step and then another set of gloves is put on so I don't run the risk of cross-contamination.

Q (By Ms. Alizadeh) So you are double gloved when you are handling this firearm?

A Always.

Q All right, yes?

. So the envelope, it was your understanding that was the first time it had been used was when that gun was put in?

A I was just told it was placed in the envelope.

By that picture, it looked like the envelope has been used before?

A It's possible, I don't know.

Q (By Ms. Alizadeh) And, Detective, did you seize the envelope?

A No, ma'am.

: Just

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clarification. What is the protocol for when you seize a weapon and it is placed in the evidence bag to be inspected, what's the protocol as far as putting it in there and everything else after that?

A I can speak for the County Police Department, I can't speak for another agency, okay. We do not package firearms in this manner.

If I go to a scene and there's a firearm laying there, okay. There's a standard protocol that we always follow, and I think you may have seen some of those from Detective

We'll take an overall view, we'll take what is called a midrange view to tie in that firearm, if we are talking about bag this, where it is on this section of the table. The overall view would be the entire room, okay. Midrange view would say, well, it is near these two jurors and these two microphones.

Then we would take a close-up view of it, but it is still in place. We have not manipulated it, we have not touched it and then what you folks will see here shortly we follow the same protocols as far as images.

Once it is photographed in place, then wearing gloves, we will pick it up, usually lay

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it on another surface, whether it is an evidence envelope or evidence box, which would be the County Police Department. We don't put fires arms in a package.

And then we would lay that firearm, we would photograph both sides, we would take an image of the serial number, we would remove the magazine, photograph all of these things as they are, and then we would unload the magazines and whatever rounds in the magazine. We would display them next to the magazine to document, well, these are the rounds that we found in there.

We would then lock the slide back and whatever is in the chamber or not in the chamber then we would document that.

We would package those items separately, but they all go into one gun box.

If we were to seize this and render it safe, then it would be inspected by another detective or one of my supervisors to confirm Detective looked at this gun and he cleared it, and I'm checking to make sure that it is cleared so everyone is safe.

We would then put what's called a lead seal, which has a number on it through the

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trigger guard, which would be this section right here. And per our firearms unit, we would put in essence, it is a orange zip tie that runs from, if I can change images, Miss Alizadeh?

MS. ALIZADEH: Sure, just identify the image you are going to put up there.

A The next image is Number 21. This is the other side of the weapon. Again, our normal sequence. And right here would be the ejection port, that orange zip tie would initiate going through here, it comes out of the bottom of the magazine, goes in and then we would secure that.

Then it is sent to the firearms unit to verify when that gun gets there, that it couldn't have accidently slide, go forward, it could have been knocked around or something. And we want to confirm when it goes to our crime lab personnel that that gun is safe, has been inspected and has been confirmed.

So come back to your original, I can't speak for other departments, I can only share with you what is our protocol policy and procedure.

: One more question. Did you take a picture of the envelope while the weapon is in the envelope?

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A No, ma'am.

I have the question about the clothing. Is it common practice to have somebody travel from one spot to another before you take the clothing, I mean, I'm wondering is there a reason why somebody couldn't bring that to the hospital where he was instead of having him travel somewhere else before he got there for his clothing.

A Again, ma'am, I can't address that, that was Ferguson's decision. If I was to work, and I've worked hundreds, if that was a County Police Department employee, we would have made arrangements to get clothes to him or her.

Q (By Ms. Alizadeh) Does anybody, the first image of the weapon was Photograph Number 20, does anybody need that back up? We are moving back now for 21, which has been on the screen. Describe what you are seeing?

A That is the other side or the right side of the weapon, the slide locked back. Visible in it serial number, as I explained earlier.

And Image 22 is a close-up view of that serial number. You folks may not be able to see that. We can certainly pass that around. I don't know how to make that clearer.

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Q Can you, just with the pointer, point out where the serial number is?
A Right in the center of the image is the serial number of that firearm.
Q Now, also not clearly visible on the screen, but again, we will pass these around, there is, there is something right there?
A There's a red stain right here. And also in this area on the slide.
Q All right. Were there any other red stains that you found anywhere else on the gun?
A Yes, they're on the slide also.
Q Okay. And now before we get to, I know you depleted your photographs, but while we have this up, let's go forward to you swabbing the gun.
A Okay.
Q We also heard Detective talk about these kits that you are equipped with in your crime scene van?
A Yes.
Q They are prepackaged and sterile swabs, correct?
A Correct.
Q Did you swab that gun?
A I did.

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Q What area, if we could maybe just use 20 and 21 again, instead of that close-up, just point with the pointer the areas of that weapon that you swabbed?

A The entire slide area, all three sides of it and this area on both sides.

Q And so that would include the reddish stains or the reddish substances that you could see on that weapon?

A Yes.

Q Now, let you resume with the next image.

A The next image is 23. Again, we're documenting the condition of the contents from that firearm that was in the envelope placed by Ferguson Police Department personnel.

Q And that magazine is empty?

A It is.

Q All right.

: .

A Yes, ma'am.

Do you check for fingerprints in the gun?

A No, it is the officer's gun.

You don't check for fingerprints?

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A No, the magazine in light of these circumstances.

: No, the magazine, in the gun, when he holds the gun?

MS. ALIZADEH: Let me address that because that's a good question.

: I'm sorry.

A That's great.

Q (By Ms. Alizadeh) I kind of skipped over that, let's talk about that right now.

A Sure.

Q So when you were, were you told that there was a physical struggle over this weapon?

A I was.

Q And were you told that Michael Brown may have had his hands on the weapon?

A Yes.

Q So was there some discussion between you and other officers about swabbing versus fingerprinting?

A There was.

Q Okay. Have you all had a fingerprint expert testify before you before?

(All jurors indicate no.)

Q (By Ms. Alizadeh) On a surface like this

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firearm, how would you go about examining that, do you want those firearm pictures again?

A Just let me have one of them please, ma'am.

Q How would you go about looking on that weapon for fingerprints?

A Okay. Based on the information that I was told regarding the incident, I was informed that Darren Wilson while holding his firearm, his department issue pistol, while he's holding it, there was a struggle between Mr. Brown and Mr. Wilson while the officer was seated in his police vehicle and Mr. Brown was outside.

So if you take that and say okay, well, the officer is holding his gun, he never relinquished it, the gun was never taken away, however, we are wrestling over this gun.

Common sense would tell you that if I'm holding the handle of the gun here, then what opportunity or what else is the other person struggling over. Probably this area of the gun.

The magazine was never released from the gun during the incident, it was never dropped or picked up, the officer never lost control of his gun.

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If you have a violent event like that, you have to make a decision whether you are concerned about hopefully getting a DNA profile or the possibility of retrieving latent fingerprint evidence.

Q Let me stop you really quick here. We are going to finish him up describing this because our doctor is here, but I'm going to let him finish this area about the fingerprint versus swabbing.

Now, I want to clarify that the things that you are talking about concerning a struggle over the gun, that is not from your firsthand knowledge, correct?

A Absolutely not.

Q That's information that came to you from other sources?

A Yes.

Q And not Darren Wilson?

A Correct.

Q And then you are making some assumptions about where you might fingerprint based upon just common sense and your experience?

A Yes.

Q Okay. So this is not to say that this is how it happened, but this is based upon your

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experience and what you have been told at this point where you might expect to find fingerprints?

A Correct.

Q Okay. You can then go ahead and talk about, you have to make kind of a decision between whether to swab for DNA or to look for fingerprints?

A Correct.

Q So why did you make a decision to swab for DNA?

A Based on training and experience, and also based on the information that I was given, you're not going to have fine ridge detail during a violent encounter. It would be different if this gun was like this and someone just came up, other than the officer, and touched it.

When we process that, yes, you can get fine ridge detail. So the decision was made between myself and the crimes against person detective, homicide detective, that it would be better to swab the weapon.

Now, if you are going to swab it, then you need to swab all the relevant areas that could be touched by someone other than Darren Wilson.

Q Because, of course, you know Darren Wilson

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has touched that gun?

A Exactly, he was holding it.

Q It would tell you nothing if his DNA is on it?

A Absolutely not.

Q We know he touched the gun?

A Right, it is his gun.

Q All right.

A Once that decision is made and you swab, then you're going to have to swab those areas that were described earlier. If there was fingerprint evidence, you are going to be swabbing through them, so that's why you need to make a decision whether you want to process this for fingerprints or do you want to process this for DNA.

Q And in processing this weapon for fingerprints, could you after that swab it for DNA?

A No.

Q So you had to pick one or the other?

A Right.

Q And based upon your information and consulting with the detective, crime scene detective, not crime scene, crimes against person homicide detective, was a decision made to swab for DNA?

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A Yes, ma'am.
Q And that's what you did?
A Yes.
Q Did you package those swabs in the regular manner?
A I did.
MS. ALIZADEH: Do you have any questions about his processing this gun or about the gun itself or anything like that?
: Did you describe what type of gun is it again?
A It is a Sig Sauer P229. It is a .40 caliber weapon.
MS. ALIZADEH: Just so you know and, of course, he is familiar with this weapon, but we will be calling, you know, someone from the crime lab that is an expert on ballistics and can answer all kind of questions about this weapon and how it fires and so forth.
Once you swab the critical areas for DNA, is all of the DNA at that point removed from the object basically, it is rendered clean?
A You might have a trace only because these are cotton swabs and when we swab something, we do

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two at one time. One for the prosecuting attorney's office, that's going to end up going to the lab and potentially a defense attorney so we keep one on file.

When you are holding these two cotton swabs, if you folks can picture Q-Tips, okay. You are holding two of them together, unless you're going back and forth and completely swabbing every little spot on this thing, you're not going to remove all of the DNA, all right.

You're trying to get the most profile or profiles that you can by swabbing those areas back and forth. Kind of like painting a first coat, you're not going to paint, you're not going to cover everything with your first coat. The same thing applies when we're swabbing for DNA. So potentially could be DNA left on there, but we try to get the largest sample as we can.

: .

A Yes, ma'am.

: I just need to know this. When the weapon was seized, before you got to the weapon.

A Okay.

It was in the envelope?

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A Uh-huh.

The protocol that the envelope is supposed to be sealed, you know, like you collect evidence and you get the bag, all the evidence is in the bag and you seal the bag until the right person comes and inspects the bag?

A Again, I can speak for the County Police Department, yes. What I was told, the information that I was given is that it was just placed there for, in essence, conveyance or storage until I got there.

And then, obviously, when I arrived and I processed or I seized or I package something, then I follow what the County Police Department crime scene unit and our crimes lab protocol as far as how we package things.

Was it locked away or sitting out?

A It was in the detective bureau on a desk.

Q (By Ms. Alizadeh) Just for clarification, do you know does Ferguson Police Department have their own crime scene detective?

A They do.

Q Were any of them that you know of involved with processing anything involved with this

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shooting?

A No, ma'am.

Q In fact, Ferguson had asked county to come in and take over this investigation within maybe an hour of the shooting, would that be your understanding?

A Yes, ma'am.

Q And so to your knowledge, did any Ferguson crime scene detectives have anything to do with seizing evidence, processing any scenes?

A No, ma'am, that's why they requested my unit to respond.

Q And so I'm only guessing or speculating, had a Ferguson crime scene detective actually seized this weapon, he might have handled it in a different manner than what was done in this case, would that be a guess or fair to say?

A That would be accurate because Ferguson Police Department has sent some of their officers to the crime scene school that I teach at our academy. I'm confident in stating that they would probably have followed protocols if they were actually seizing pieces of evidence.

MS. ALIZADEH: Okay. Any other clarifications?

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Yes. . You may have said it, who actually put the gun into the envelope?

A I have no idea.

Okay. Would there be an issue when you do the swab of somebody else's DNA on the gun.

A What I was told is that Darren Wilson had unloaded his own weapon, so if he handed it to someone else, I was never informed of that.

MS. ALIZADEH: Now, I will tell you we will have DNA people testify and they will tell you what DNA was found on that gun and if they can identify whose DNA it was.

So as far as that goes and let me ask you, Detective did you take a swab from Darren Wilson at the hospital.

A Yes, ma'am.

Q (By Ms. Alizadeh) So there was a sample of Darren Wilson's DNA taken by you at the hospital?

A Yes.

Q And that is done by rubbing something on the inside of his cheek?

A Yes, it is called a buccal swab.

Q And you are fully gloved?

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A Uh-huh.

Q Do you have a protocol on how to take that swab and package it so that there is no contamination?

A We do.

Q You do not want your DNA on that swab in any way?

A No.

MS. ALIZADEH: So at any rate, there will be some testimony sometime down the road about what was discovered on the swabs that Detective used when he processed that gun and then, you know, any conclusions to be drawn from that.

Anybody else about the gun?

We're going to have to break with him and Detective I'm sorry, you will get an invite back on another day.

A I love to come chat again.

MS. ALIZADEH: We'll go ahead and have him finalize the disc and while the disc is finalizing, because we all know that takes a couple minutes, how about if we take a break. And in shifts, I'll start these photographs over here so if you all want to like, if you need a restroom break and then come back as these are getting passed around, and you

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might be able, you will be able to see. We're not going to do the ones we haven't talked about yet, just the ones we identified.

(Recess)

DR.

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q For the record, this is Kathi Alizadeh present in the grand jury room with Sheila Whirley we are both with the St. Louis County Prosecutor's Office. All 12 jurors are present and, as well as the court reporter who is taking down the testimony and also audio recording the proceedings today.

For our next witness, would you state your name, please?

A Name Dr.

Q Could you spell for the court reporter your first and last name?

A

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Q And what is your profession?
A I'm a forensic pathologist.
Q And can you describe for the jurors your education and how you obtained the degrees to become a pathologist?
A For starters, I obtained my bachelor of science degree at Xavier University at Louisiana, that was a four year education. I then attended medical school four years at Louisiana State University. College medical school down in New Orleans, which was a four year training. And then I did a four year anatomical and clinical pathology residency at St. Louis University here in St. Louis.
I did one additional of pediatric pathology, which was a one year fellowship and fellowship specifically in forensic pathology at St. Louis City Medical Examiner's Office.
Q Can you explain for the jurors what is, what is a pathologist, what does he do?
A The basic definition of a pathologist is someone who is a medical doctor who is in the profession of studying disease.
Q Can you describe for the jurors what is a forensic pathologist?
A A forensic pathologist is a specialized

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doctor in the field of pathology who is dealing with determining the cause and manner of death.

Q And you are a forensic pathologist?

A Yes, I am.

Q Are you board certified?

A Yes, I am board certified in anatomical pathology as well as forensic pathology.

Q Are you employed as a forensic pathologist?

A Yes, I am.

Q Where are you employed?

A I'm currently employed as an assistant medical examiner at the St. Louis County Medical Examiner's Office.

Q Is that the office, is the chief medical examiner for St. Louis Dr. ?

A Yes, she is.

Q You work under her supervision?

A Yes, I do.

Q How long have you worked for the County Medical Examiner's Office?

A A little over two years.

Q Prior to that, did you work for any other medical examiner's office?

A No.

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Q And so when you began working for the County Medical Examiner's Office, was there any training that you underwent or any on-the-job training that you had to go through when you first began?

A Um, I mean, the main thing that's important is that you've done a certified or approved forensic fellow, which I did do at St. Louis University through their system at the St. Louis City Medical Examiner's Office. So that's the main thing that you do need, plus your medical degree and eventually being board certified to be able to practice what I practice at.

Q And so in probably, what I would say in layman's terms, one of your chief duties and responsibilities is to perform autopsies, correct?

A Correct.

Q And just we all think we know what an autopsy is, but can you explain for the jurors in general when you have a deceased person how you begin an autopsy?

A The autopsy itself, it is kind of layman's terms just for the general examination that occurs that I have for a case and it entails a lot of features depending on the circumstances, some things

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are not done or done, but in a complete sense of an autopsy, you do an external examination, which is looking at the external features of the body with the clothes on and then removed.

Once they are removed, you want to look at any type of identifying characteristic, any kind of scar, any type of wounds, any type of tattoos, anything that you can physically see on the body that may be an abnormality or be something different, that's the external portion of the examination.

That is then ultimately followed with an internal examination where you are actually assessing all of the organs, weighing the organs looking at the organs to see if you see any type of pathological or disease type changes, any type of injuries on the inside of the body.

In terms of different ancillary studies that would be things that are in addition to external, as well as the internal examination we do toxicology, that's taking fluids from the body just in a general sense, blood, urine, fluid from the (listen) eyes where that fluid is tested to see if there is any type of drugs, any type of toxins within the body.

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The body is x-rayed some time to look for any type of fracture, in homicide to see if there is any type of projectiles within the body or any type of knives or things of that nature.

Q And by projectile, you mean like a bullet?

A Correct, like a bullet. Other things that are done, sometimes I do cultures, that is just looking for any type of bacteria or viral packaging that may be in the body, that may be the cause of death. Medical records, if they are present, I will review those as well and sometimes I have to use histology, which is looking at actual tissue that has been processed to be able to look under a microscope, where I look under the microscope and then I can make a diagnosis of different type of disease changes.

So those are kind of the basic things that go into an autopsy and as I said, sometimes all of those things are used, and sometimes bits and pieces are used, but more the most part complete external examination, internal examination and the toxicology, that's pretty much routine on all cases.

Q And now you are not the toxicologist; is that correct?

A That is correct.

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Q You just collect the samples that are then tested by a toxicologist?
A That is correct.
Q Now, prior to your beginning and autopsy, do you receive information from anyone about the deceased that may assist you in knowing what you are looking at and what to look for?
A Yes, I did.
Q And in this case did you have a conversation with
A Yes, I did.
Q Is he one of the investigators from the Medical Examiner's Office?
A Yes, he is.
Q Now, in this particular case, did you examine the body of Michael Brown?
A Yes, I did.
Q What day did you examine him?
A August 10th.
Q So this would be the day after the shooting, correct?
A Correct.
Q Now, in every autopsy that you perform, are there police officers there during the autopsy?
A Not every autopsy I perform.

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Q In a situation where there might be criminal activity involved in this person's death, is there always a police officer who is present for the autopsy?

A Yes, there is.

Q And are you familiar with some of the St. Louis County crime detectives, crime scene investigators?

A Yes, I'm familiar with them.

Q And are those generally, well not generally, do they on occasion attend the autopsies?

A Yes, they do.

Q And are you present when a police officer is photographing the autopsy?

A Yes, I am.

Q Do you at times direct the officer, you know, get a picture of this because this shows this?

A Yes, I do.

Q And then if you are removing anything foreign from the body, do you then, does the officer document that object?

A Yes, he does.

Q Does typically the officer would then seize those objects if there was anything seized from the body that might be evidentiary in nature?

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A Yes, they do.
Q So you're not, your job is not collection of evidence?
A No.
Q But there is someone present during the entire autopsy whose job is there to collect evidence?
A That is correct.
Q Okay. Now, in this particular case, this autopsy performed on Michael Brown, what information did you have from that was something that you considered prior to beginning the autopsy?
A Um, when I was contacted by he called me on my personal cell phone to let me know what particular cases came in on his shift and he informed me of the cases that came on his shift, and one of the cases was Mr. Michael Brown.
The circumstances that I got from him were very brief and minimal. At that particular time he informed me that there was a police shooting. He mentioned to me that there appears to have been a struggle and that was kind of the extent of the information that I had at that particular time.
So from that point, I know that the

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body is going to have to come in for examination due to the nature of the particular type of event.

There is certain cases that are under my jurisdiction as a medical examiner and that particular case of Mr. Michael Brown fit that jurisdiction, so I knew that that case was going to come in for examination.

Q Are you aware that Missouri has a statute that says that the actual body and its possessions of a deceased person are the property of the Medical Examiner's Office?

A Yes, I am.

Q And so in this particular case, well, let me back up.

You're aware that ultimately prepared a report, correct?

A Yes.

Q But he didn't have his report prepared when you first began your examination; is that correct?

A Correct.

Q Okay. And did you see any other police reports or any other reports about this incident before you began your examination?

A No, I did not.

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Q Did you get any other information from anywhere else, whether it be a police officer or witnesses or anybody else?

A Before I started my examination, Detective was present at my autopsy examination and I did ask him about the circumstances that he knew at that particular time.

Q What did he tell you about what he knew at that time?

A Trying to remember exactly, it is a while back, but it was just basically similar situation of there were two gentlemen in the street, police officer responded to that particular area, from that point in time a struggle ensued and then after that things were difficult to determine at that point in time, but ultimately it ended in the result of Mr. Michael Brown obtaining fatal wounds.

Q Okay. And so jumping forward now, at the conclusion of an autopsy, do you prepare a report?

A Yes, I do.

Q And is that report reviewed by anyone else in your office?

A Um, there's a secretary who transcribes the information that I speak into a digital recorder, but it is my words and she transcribes my

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words, I get it back, I correct it.

Q Okay. And so did you, you prepared the report after your autopsy of Michael Brown?

A Yes.

Q And did you approve the final report as correct, in other words, those were the words that you had dictated?

A Yes, yes, I did.

(Deposition Exhibit Number 6 marked for identification.)

Q (By Ms. Alizadeh) I'm going to hand you what I marked as Grand Jury Exhibit Number 6. And is that a copy of your report of the post-mortem examination, post-mortem examination just another term for like an autopsy?

A Correct.

Q Is that your report of the autopsy of Michael Brown?

A Yes, it is.

Q All right. And I'm going to pass around to all of you a copy of the report. Again, as I have mentioned before, if you are reading a document when a witness is testifying, just keep in mind that you might be missing something that's being said. These reports are yours to keep in your folders that

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we've provided for you to review at any time. And if at a later date after reviewing the report you have additional questions, we will try to get those questions answered for you.

I'm also handing you a document, I didn't mark this, Dr. did I show you that prior to your testimony today?

A Yes, you did.

Q This is a list of terms of anatomic orientation. In your report, you use terms that I would say a layperson isn't going to be familiar with, would that be fair to say?

A That's fair.

Q And when you are autopsying a body, is it one of your jobs and responsibilities to describe the location of a wound?

A Yes, it is.

Q And if it is some kind of piercing wound, whether it be from a knife or projectile, you describe the path of that wound or the trajectory so to speak of that wound?

A That is correct.

Q You use terms that might not be common everyday terms that laypeople would understand?

A That is correct.

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Q Do you agree that these terms that I showed you on this list are accurate?
A Yes, I do.
Q And do you think it would assist the grand jurors if they have a copy of this if they later want to use the report?
A Yes, I did.
MS. ALIZADEH: So I will pass those around as well. Again, if you will write your grand juror number on the upper corner of these documents, please do not write on them. If you have notes to take, go ahead and take those notes in your notebook, but these are going to be, do we already have somebody that wrote on it? Did you write on it? If need be, I can get you a clean one. I want to make sure that the notes that you take are in your notebook.
So, Dr. are you assisted during the autopsy?
A Yes, I am.
Q (By Ms. Alizadeh) And is it someone who is employed by the Medical Examiner's Office who assist you?
A Yes, that is true.
Q And do you recall, you said Detective

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was present for the autopsy?

A (Nods head.)

Q He is a detective with the County Police Department?

A That is correct.

Q And was there another detective there who was photographing and seizing evidence?

A There were two other detectives there, but I don't know their names specifically.

Q All right. And so when you, after your autopsy is completed, is it a standard, I'm sorry, and in the case when the police are also involved in the autopsies as far as documenting things, does the Medical Examiner's Office receive a complete copy of the photographs that the police took at the autopsy?

A Yes, we do.

Q Okay. Now, I'm going to show you what I've marked as Grand Jury Exhibit Number 7.

(Deposition Exhibit Number 7 marked for identification.)

Q (By Ms. Alizadeh) I am going to ask you to just remove what's in there. And this is a stack of photographs and just real quickly just leaf through them?

A Okay.

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Q And tell me do you recognize these as the photographs that were taken during the autopsy of Michael Brown?

A Yes, I do.

Q Now, we've already done this a couple of times and I think the easiest way to do this is if you would sit in that chair there and take those and have them on your lap.

And when we talk about these, now we have already had some testimony from some crime scene detectives about these photographs, and including the fact that each photograph has a number on the back of it. And so when I refer to the photographs, since I haven't marked these individually, we will just say this is Image Number 1, okay?

A Okay.

Q And so forth.

A Okay.

Q So let me turn down the lights again. Makes it easier for people to see.

So, Dr. I know you're not necessarily the author of this and not familiar with what is depicted in Image Number 1, but the jurors have heard testimony about this. This is the

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placard that was prepared by the officer who took these photographs and that would be his DSN down at the bottom And my knowledge is that that is Detective And if necessary he can testify about taking these photographs if you need to hear from him about what he's done.

But, of course, it is going to have to be the doctor who testifies about what we are seeing in these photographs for the most part. So Image Number 1 is the placard.

Can you put Image Number 2 up there, please? I think it goes towards you on the thing, there you go. Can you describe what you are seeing in that image?

A On the table is Mr. Michael Brown, the decedent in question, and this is the way that the body was presented to me after removal of the body bag, which is the white bag that you see draped over the table. And there's the placard identifying the particular case and that's myself off into the background in the back.

Q So that placard, and here is a laser pointer right next to you right there, can you just point to where the placard is you are talking about?

A This is the placard, identifying placard

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for this particular case.

Q And that's prepared, that's not the one that the county detectives prepared, that's something that the medical examiner does, correct?

A Correct.

Q Okay.

A Actually, sorry, this one is St. Louis County, sorry.

MS. ALIZADEH: Okay.

. So when the body leaves the scene, is it taken directly to your offices or where is the examining on the 10th, what happens between when it is collected and this day?

A The body is picked up from a delivery service, delivery service is responsible for picking the body up from the scene. At that point when the body is picked up from the scene, it is brought directly to the St. Louis County Medical Examiner and it is placed in the morgue, in a cooler, until eventually I'm going to come for the examination.

Let me back up a step. When the body comes in and it is checked in by the morgue staff or it is given a number, and just to make sure that it is logged in appropriately and put into the morgue, but the body goes into the cooler to wait until the

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next day. We will take initial round of pictures and then we will get to the point where we are right now.

: Thank you.

A You are welcome.

Q (By Ms. Alizadeh) So when the body was removed from the cooler, was it still locked in the bag?

A Correct.

Q We heard talk about the fact that there is a lock placed on the bag at the scene by him?

A That is correct.

Q After the body is received at the Medical Examiner's Office, does anyone before your autopsy begins unlock that bag?

A No.

Q If that lock had been disturbed or broken or opened when you began your autopsy, would you have noted that?

A Yes.

Q And so when you open the body bag, this is the body of Michael Brown as it appeared when you open the body bag?

A That is correct.

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Q We see in the image that we have heard testimony from that there is paper bags that are placed on the hands of the deceased?

A That is correct.

Q And that was done by at the scene?

A That is correct.

Q And would it be protocol for to have used latex gloves while he is handling any of the body while he is at the scene?

A That is correct.

Q So after that has happened and the officer has photographed what we see in Image Number 2, what happens next?

A Um, at this point, in theory and in terms of normal protocol or in terms of how I approach the case, at this point I will eventually myself start looking at the body, start the initial external examination that I spoke with you all at the beginning where I am looking at the clothing that the particular decedent has on. And just stating how the body appears to me, at least initially, in terms of clothing and that would be the next step.

Q Okay. And so let's move through the photographs as we go and Image Number 3?

A Yes, this is Image Number 3.

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Q So just describe, if you briefly want to describe what we are seeing here?

A This is just the decedent, Mr. Michael Brown, from the other side of his body, looking from the other angle before the angle is just flip flopped. So it is just the other side, you are looking at the right side of his body as opposed to the first image which was the left side of his body.

Q Okay. Image Number 4?

A Image Number 4 is just kind of an overall view of Mr. Michael Brown's face as he is as soon as the bag is removed to expose his face and rest of his upper body.

Q And this up here, that's the placard that you were talking about?

A That's the identifying placard that was prepared by St. Louis County Police Department, this is Mr. Michael Brown's face.

Q Okay. And Image Number 5?

A Image Number 5. So this is, we actually have a ladder in the actual morgue suite where you are able to get a higher vantage point to be able to get a larger view of the body.

So the officer in this particular case has got on top of the ladder, he is doing an

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overall of Mr. Michael Brown where you can see at least down to the mid thigh, from the head down to the mid thigh and seeing the arms and the torso, and here is the identifying placard again.

Q Let me stop you here. As you say the body was, you know, the bag was opened and you examined it, are the clothes disturbed for the purposes of these photograph?

A No, the clothes were not disturbed. This is how they are maintained within the bag as soon as it is opened.

Q So nobody lifted up the shirt, nobody pulled the pants down, that's how it was when you first saw it?

A Correct.

Q Okay. At this point, are you the one who puts the body onto the table?

A Um, so from here, he was placed on this table initially within the morgue cooler, it is on wheels. So when it comes out, he is staying on here the entire time. So the entire autopsy is going to start coming from the cooler, to this part where you are seeing the pictures, to me actually doing my incisions and remove organs, so he stays on this table the entire time.

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Q And Image Number 6, I believe?

A Image Number 6. So this is still a view from the ladder where the officer is taking pictures, here is that identifying placard and here is a shot from the head would be here, the feet are down here and you can see the hands and you can see the rest of the lower extremities of Mr. Michael Brown and what he was wearing.

Q Now, there is a white object that's affixed to his right ankle, do you know what that is?

A These are added to the body just as identifiers to make sure we know whose who when they are coming in for examination.

Q So that was placed on there by someone from the Medical Examiner's Office?

A Correct.

Q Not prior to him being --

A Correct.

Q -- deceased?

A Correct.

Q And then the next one, Number 7?

A Image Number 7, this is Mr. Michael Brown. Again, we can see the face and you can see the shirt that he was wearing, just a closer image of the face

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and upper body.

Q Okay. Number 8?

A This is number 8. So we are looking at the right side of Mr. Michael Brown's face and you can see the shirt that he's wearing and you can see the right side of his face.

Q Number 9?

A This is Image Number 9. And this is predominantly, you know, this is the right side of the face here, the left side would be here off of the view of the picture. So you can see some of the injuries here to the right side of the face.

Q Now, before I get too far ahead of ourselves here, do you have other images in this stack that better document the injury that you documented?

A Yes, I do.

Q So you haven't, in other words, you haven't cleaned him up?

A No, that is correct.

Q And at some point do you clean him up?

A Yes, I do.

Q And is it easier to visualize the injuries after that?

A That is true.

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Q Okay. So we'll go through these and then we will talk about the injuries when we have the other photographs. And that is Number 9 is next, I think?

A Yes, it is. This is Number 10.

Q Yes, that's right. This one is Number 9, you've got Number 10 up there on the screen?

A Yes. This is similar image to what I just showed. We are still looking at the right side of the face and what has been introduced here by the officer who is taking the photos. He has introduced a ruler, the ruler is important for scale in order to if you want to go back in time to say how big or how small things are, that's the purpose of the ruler that has been introduced into this picture.

Q Okay. And the next would be Number 11?

A So this image is flip flopped a little bit, mouth and the nose would be up here, the top of the head is here, we are still looking at the right side of the face and then you still have this ruler that has been introduced into the picture.

Q Okay. Number 12?

A This is Image Number 12. Now, we're seeing a little bit more of the left side of the face, but still predominantly focused on the right

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side of the face and once again the ruler is here for scale.

Q Number 13?

A This is Image Number 13. And here we're looking at the right side of the face, getting a little bit lower near the draw line, jaw line depicting an injury here on the right side of the face.

Q Number 14?

A This is Image Number 14. Similar to the last image that I just showed you. The only difference is the ruler has been inserted into the photograph for scale. So we are looking at the right side of the face, again, focusing on this wound.

Q Number 15?

A Image Number 15. Flipped upside down, but the mouth would be here, the top of the head is down here, once again focusing on the right side of the face depicting injuries.

Image Number 16. So we're looking at the right side of the body, there was a similar image of this before, but the feet are down here, the head is up here, this is the right side of the body.

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Q Now, in this image, the shirt of Michael Brown, the shirt is actually above his --

A Nipple line.

Q -- nipples? That was actually manipulated prior to the photograph?

A The shirt has been manipulated prior to this point to better get an assessment of the body looking for other injuries.

Q Okay.

A This is Image Number 17. So what we're looking at here is once again, we are still looking at the right side of the body, the feet would be here, the head is up here, you have the right arm being extended kind of perpendicular in a 90 degree angle from the table. The hand is up here, the shoulder would be down there. And we have these wounds here near the forearm, this is the forearm.

Q Okay. Image Number 18, I believe?

A This is Image Number 18. This is the right forearm and we are looking at a wound here, that is what is being depicted at this point.

Q Number 19?

A This is Number 19. We are looking at, do you want me to just go through the picture or you want me to reference them to my report at this

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point, what is the best way?

Q This is prior to being cleaned up or not?

A It is kind of in between. It is a little bit cleaned off in order to get a better shot.

Q Okay.

A But we're still, the shirt is still on.

Q Let's go through these and then we will start with the injuries as you've documented them.

A Okay. I can just go back and pull them out.

Q We can pull them out?

A Okay.

Q And, Doctor, is it your habit when you begin to describe injuries, do you like start from the head and work your way down, or do you just pick a certain way to describe them?

A Um, my usual approach is, I kind of go in terms of more significant injuries to the least significant. So I typically will start with the things that look to me to be, you know, more immediately impactful to the life of an individual.

So when I get to the situation where I have wounds of the arms and things of that nature, those would be further down in my report. That's my typical approach when I do cases.

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Q Okay. So we've scene the photographs of the head and the side of the body, and now we are looking at injuries to the right arm?

A To the arm, yes. So this is the right forearm and there is an injury right here where they introduce the ruler scale in this particular photo.

This is Image Number 20. We're still looking at the right forearm and this is on that previous photo, that's the wound that you were seeing and this is a new wound here on the right forearm.

MS. WHIRLEY: This is Sheila Whirley. When you say the forearm, where are you speaking of?

A The forearm, particularly is the region of your arm between your wrist and your elbow.

MS. WHIRLEY: Okay. And those are two separate wounds did you say?

A Yes, they are two separate wounds. There is one here and there is one here.

MS. WHIRLEY: Okay.

Q (By Ms. Alizadeh) At some point we will describe them and what you conclude from those wounds?

A Yes, I will.

Q We are just going through the photographs

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in order just so we can get them all in, all right? And the next Number is 21, I think, 21, yeah?

A Yeah, 21, and similar photos to what you just saw, but there's rulers here. You still have that wound here on the forearm and then here is another one on the right forearm.

Is this 22?

Q Yeah.

A This is Image 22. So we're backing up a little bit and it is kind of hard, I can see it on my picture, we will get a little bit closer. So the head of Mr. Michael Brown is here, this is still his right arm, and this is like his torso here. What I'm going to be focusing on there is a wound right here on the middle part of his upper right arm. There is a wound right here.

Q Number 23?

A This is Number 23. And this is a closer picture of the wound that I couldn't really show too well on the overhead projector, but this is the wound in question right here. So it is on the upper portion of his right arm, but it is on the inside portion of the arm, medial.

MS. WHIRLEY: That's the medial.

A Yeah.

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MS. WHIRLEY: We talking about the armpit area.

A Close to that.

This is Image Number 24. This is just the same picture again, but you see the ruler inserted for scale and this is the wound.

This is Image Number 25, so the head of Mr. Michael Brown is here, the hand, the right hand is out here, this is the shoulder area and we are looking at the medial or kind of the inner aspect of the right arm, but what I'm focusing on right here there's another wound right here in the bicep region on the right arm. And then there is also a tattoo here on the forearm that reads Big Mike.

Q (By Ms. Alizadeh) This is 26 now?

A This is Image 26. And this is just a closer picture of that wound that I was showing before on this part of the bicep and on the right arm.

Image 27. Same image, again, of the wound of right bicep. You have a ruler introduced for scale.

This is Image 28. Backing up a little bit, but it is still the right arm,

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Mr. Michael Brown's head is here and there is a wound right here on the upper part of the right arm. So here, and specifically this region would be, we call it the ventral surface or anterior surface or the front surface of the arm, but there is a wound here that I'm depicting right here.

Q Which arm is this?

A This is the right arm.

Q So there is a tattoo we saw in an earlier photograph on the right forearm?

A Yes.

Q That read downward, correct?

A Correct.

Q And in this image there is another tattoo, that's not the same tattoo, correct?

A This is a different tattoo on the upper portion of the right arm. When I say the upper portion of the right arm, I'm talking from the elbow to the shoulder. So where your bicep would be and this is a different portion of the right arm, but there's a different identifying tattoo here.

Q 30?

A Image Number 30. Showing that same wound on the front portion of that upper right arm, but the only difference is the ruler has been introduced

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into the photo for scale.

Q 31.

A Image 31. So now we are looking, the shirt has been raised, we are still looking at the right sides of the body. So over here on the right lateral side of his chest, lateral is to the outside, you have a wound right here and that's the main thing that I'm focusing on at this point.

So this would be 32. This is just a closer up view of that wound that I just showed you previously here on this lateral part of the right chest. And this is the nipple on right side.

Q 33, it should be?

A Image Number 33. The only thing different in this photo is, the ruler has been introduced per scale. Still looking at the same wound I just showed you.

This will be Image Number 34. So here is Mr. Michael Brown's head, the shirt has been raised up further in this particular situation. That previous wound that I was just showing you was down here, there is a new wound here on the, kind of the upper part of right chest, and that's what I'm focused on right now, a different wound?

Q 35.

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A This is a close-up view of that wound that I showed you on the upper part of that right chest.

Q 36.

A Image 36. The only difference is a ruler has been introduced per scale and there is also a wound out here, this is like an abrasion here on the right side of the chest. So there is two things of interest here and here.

Image 37. We have switched over to Mr. Michael Brown's left arm and what, so his head is here, this is the left side of his body, this is the left arm and left hand that is still bagged with a brown paper bag. And there's an injury here on left forearm as well as there is a tattoo right next door.

So this close-up image of the left forearm showing that injury that I just mentioned as well as the identifying tatoo.

Q Just for the record, that was Image 38.

A Image 39. Only thing different is the introduction of the ruler, still showing that injury on left forearm as well as the identifying tattoo.

: . Now, you are classifying this as an injury rather than an wound, any significance to that?

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A I'll do a little better with kind of keeping things consistent once I get to one place, but injury and a wound, they are similar. But eventually when I get to the point I will be able to break it down for you, like this is an abrasion, this is a gunshot wound, and I will separate all of those out for you guys so you won't be confused. I'm just trying to get through them, I'm sorry.

Thank you.

Q (By Ms. Alizadeh) At this point you are documenting any injuries, no matter how they occurred?

A Or defects. They are all kind of the same thing. There are things that is happening to the body that he wasn't born with, so.

Q If he had an appendectomy scar --

A I would mention that.

Q With a heal injury, you would still document that?

A I would mention that, yes.

Q So I think we just did that one, didn't we? I probably handed it back to you. I thought you would want it.

A Number 40. So this is still the left arm, the bag has now been removed from the hand and

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that's the main difference with this photo.

This is Image 41, this is still left arm, the head is here, this is showing the dorsal, or the back side of the hand after the bag has been removed.

This is 42. Now, I'm flipping back over to the other side of the body and this is going to be his right hand and the bag has been removed and here you can see an injury.

Q I think 43?

A Yes, 43. Image 43. This is the back side of the right hand and this is the, you know, the right forearm, right hand, this is after the bag has been removed from the hand.

Image 44. This is just a closer view of the injury to the right hand and this is the ventral surface of the hand or the palmar surface of the hand. And that's the particular part that we are looking at.

This is a close-up of the ventral or palmar surface of the hand. This is the right hand, this is the thumb and this is the particular area of interest, there is an injury.

Image 46. Only thing different here is the introduction of a ruler. We are still

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looking at the right hand looking at that surface where this injury is.

This is 47. So in terms of getting a different take on the hand and the injury, the hand has been cleaned off at this point. So I have removed some of that blood and material that was stuck to the hand. So this is a cleaner image of the hand after the bag has been removed and after it has been kind of cleaned off and we are still looking at the palmar surface or ventral surface or front surface of the right hand.

: Before you washed the hand, you collect under his nails or whatever it is he has gunpowder or skin?

A A good question. The question raised was, before I am starting to wash or clean the hand, do I do any type of forensics or other biological evidence from the hands, and I do.

Once the bags are removed, they are documented with pictures and in this particular case, I did do scraping underneath the nails to get material which is then submitted for analysis. And I also took fingernail clippings from both hands, which is submitted for evidence.

And the actual clipper that I

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actually used to remove the finger nails, that is also submitted as evidence. So all of those things are done before the hand has been altered or washed. And then at that point once I have taken the fingernail clippings and the scrapings, then I go ahead and wash the hands and then continue my process.

Q (By Ms. Alizadeh) So the clippers that you used to clip the nails, those are one use clippers, they are sterile, correct?

A Correct.

Q And then regarding, let's talk about that injury to the right palm. We have seen in the photograph that you have washed it off so you can get a better look at the injury, correct?

A Correct.

Q Now, at some point you took, you cut a piece of that wound out; is that right?

A That is correct.

Q But you haven't done that at this point?

A No, I have not.

Q What do you wash the wound with?

A Usually just water, warm water and a towel or a rag, or sometimes they have like kind of like a bristle type brush to be able to scrub off that

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blood that is kind of stuck to the hand. It is pretty resilient, sticks pretty good. So just using water, warm water and scrubbing, that's how we remove it.

Q No chemicals?

A No.

Q Nothing like that?

A No.

Q Okay.

: . Water from the sink or?

A Water from the sink.

Q (By Ms. Alizadeh) Okay. So now back to the image that you last showed?

A We are at 48 now. So this is still the right hand, the hand has been cleaned, it is just a closer view of that injury to the palmar surface of the right hand.

This is Image 49. So only thing different, a ruler has been introduced for scale.

So this is Image 50 and now we are back on the left side of the body. And this is the left hand and that's that wound or injury I was showing you guys earlier. I'm trying to focus on the thumb here, there is a little abrasion there.

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Q Now, let me ask you, let me put this back up here. We see the position of the arm and the wrist and the hand is bent.

A Uh-huh.

Q Is that being held in that position or is that the way the body is fixed?

A Most likely some of it is me putting a little bit of tension onto the hand to be able to better see the particular injury that I'm looking for, but at the same time there is also particular ways that the body, it is called rigor mortis, the body will be kind of fixed in a certain position. So there is mixtures of kind of these two events happening at the same time.

The natural fixation or rigor mortis of the body, plus me putting tension on it to get a better look at the injury that I'm trying to show in this photograph.

Q Okay. So the next photo is?

A This is Image 51. So this is a close-up of that left hand and it is just this little injury right here. Technically it is an abrasion, this is what I'm focusing on right here.

Q 51?

A This should be 52.

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Q 52, I'm sorry.

A Image 52. Still showing that little injury/abrasion there on the hand. And the only difference is the introduction of the ruler for scale.

This is 53. So we are still looking at the left hand and I've, I'm starting to pull this fifth finger or the pinky finger on the left hand, I'm trying to expose a little area of discoloration on that hand.

Showing you 54. So this is that fifth finger, that pinky finger on the left hand and this is this little area of discoloration, that's all I'm focusing on in this photo.

Q Just so we know, did you determine was that an injury, that little area of discoloration?

A No, I don't feel that it is.

Q Okay.

A This is 55.

Q It is getting tired.

A There it is. That's just that little area of discoloration on the left hand right here by the pinky finger. For anatomical purposes, this is the dorsal surface of the finger, the posterior or back side of the finger.

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Image 56. So we're looking at Mr. Michael Brown's head is here, we are looking at the dorsal or the back side of the left hand and there's an injury right here.

Q And for the record, or just so we go through this, would you consider this an abrasion?

A Yes, I do.

Q Okay.

A As previously mentioned, this is just a closer, I'm sorry, Image 57. This is a close-up view of that previous abrasion here on the dorsal aspect of the posterior of the back side of the left wrist and there's an abrasion there.

Same image again of that abrasion on the left wrist, back side posterior, just only thing different is the introduction of a ruler.

Q And that's 58?

A Sorry.

Q That's okay. I'm trying to catch it when I can.

A 59.

Q Okay. Now, let me stop you here. So at this point you have documented all the injuries that you can see and?

A There is still one that I can see right

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now.

Q Okay.

A There is another one that I have to expose.

Q Okay. But at this point now, you remove the clothing?

A Yes.

Q All right. And is the clothing seized and packaged by a police officer?

A Yes, the clothing is seized and packaged as evidence to the officer.

Q Now, let me ask you this. At some point is his clothing searched while he is in the morgue.

A Yes, it is.

Q And who does that?

A Usually the morgue attendant will search the clothing.

Q Were you present when that was done?

A I do not remember.

Q Okay. And so if there was anything that was inside the clothing or attached to the clothing, that would have been removed by the morgue attendant?

A That is correct.

Q And so who actually removed the clothing

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from the body?

A

Q And is the clothing removed by cutting it off?

A Um, it depends, but in this situation it was just removed normally as you and I would take off our clothing. The only time the clothing is cut is if it is too difficult to remove it, but in this situation the clothing was not too difficult to remove, so it was not cut.

Q Okay. And after the clothing is removed and that's seized and packaged by someone else, any items that were inside the clothing is taken care of by someone else, do you then clean up the body?

A Yes, yes, I do.

Q And so this next image, which I can't remember what number that is?

A We are on 59.

Q Okay. This is now the body after the clothing is removed and the body has been cleaned of excess blood and so forth, correct?

A It is the best possible attempt to do so.

Q Okay. Now, let me ask you this. I don't know if I'm jumping back or forward here, but initially in your examination, I don't know if you

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do this with clothing on or without the clothing on, but do you weigh the body?

A Yes, I do.

Q How much did he weigh? Do you have your report there if you want to refer it?

A Specifically 289 pounds.

Q Is that without clothing or with clothing?

A That's with clothing.

Q And then do you also measure the height of this person?

A Yes, we do.

Q And how tall was Michael Johnson?

A 77 inches.

Q And I'm not good at math, but is that 6 feet 5 inches?

A Yes.

Q I had to use a calculator before when I did that, I'm a lawyer.

A Yes, it is.

Q 6'5". Were you told how old Michael Brown was or his date of birth?

A I was told how old he was.

Q And how old was he?

A 18.

Q Okay. And in examination of his body, do

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you make any type of conclusion about does he appear to be his stated age?

A Yes.

Q And developmentally?

A Yes, I do. That's the general approach. I do make that reference one, there are some facial injuries, but there is still enough to be able to make that assessment.

Q Okay. Now, as we go forward with these photos, the wounds that you already documented will be photographed again and now we will go and describe them.

A Okay.

Q And you document them in your report, correct?

A Yes.

Q And so when you get a photograph, let's say the name of the image, and then in your report you have these injuries as number one, number two and so forth. So let's refer to them like that. So if you want to go along in the report, ladies and gentlemen, if it makes it easier.

A I'm trying to see when I get, we're still kind of going back through and looking at tattoos and cleaning off stuff.

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Q Okay.
A When I get there I'll do that.
Q All right.
A This is 59.
Q 59, and this is the first picture that we've seen where his clothing is removed, correct?
A Correct. So here we have the head, there is the feet, Mr. Michael Brown's clothing has been removed. Once again we have that identifying placard and this is his body without the clothing.

This is Image 60. We have the identifying placard, this is Mr. Michael Brown, this is looking at the right side of his body with his clothing removed, feet are here, head is here, that right arm is extended coming out at you.

This should be Image 61. This is Mr. Michael Brown, clothing removed and then once again the officer who is taking the photos, he has ascended upon the stair step ladder to get an overall view of Mr. Michael Brown without his clothing.

Image 62. This is showing the lower half of Mr. Michael Brown's body without the clothing and here is the legs and the lower portion of the abdomen.

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This is Image 63. Looking at the right side of the body and in here getting a better visualization of one of those identifying tattoos on the, kind of the upper portion of the right arm.

Q Now, just for clarification sake, what is this thing right here?

A That's just a paper towel that is sometimes used to remove blood or to get rid of anything that's obscuring anything that I'm trying to see.

This is Image 64. And this is just a close-up of that tattoo, you know, with the blood that was obscuring it removed from the upper right arm.

This is Image 65. This is a better image of the forearm with that identifying tattoo, still see a wound here near the bicep and this is the right arm and then that wound of the right hand.

This is 66. This is just a better image of that identifying tattoo on the right forearm, Big Mike.

This is 67. This is the left arm now, the head is here, the feet would be out here, this is the left arm and we are looking at the forearm with the identifying tattoo and that injury

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that you guys saw earlier.

This is 68. So this is the left forearm with the identifying tattoo and then there is this linear abrasion out here on the left forearm. And this is the front part or ventral part or anterior part of the forearm.

This would be 69. And with all cases we have it is important to look at the back side of the body as well as the front, and that involves the external examination. So here Mr. Michael Brown's body is being rolled by the autopsy technician

so we can document that there are no injuries to the back side of the torso.

Q You did not find any injuries to the back side of his torso?

A No, I did not.

Q How about the back side of his buttocks or his legs?

A No, I did not.

Q Now, just for descriptive purposes, you talk about front side and the back side or anterior, posterior, ventral, dorsal, those are all interchangeable terms?

A Yes.

Q When you are talking about your arms,

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because your hands can move from one way or another anatomically, would it be correct that in an anatomical diagram the person would be standing upright and their palms would be forward?

A That is correct.

Q So if you are describing an injury on the palm, that would be a front injury to the front of the hand, anterior, ventral?

A It is still ventral. The front would be anterior, it could be ventral, all of those are interchangeable terms or palmar, they are all the same, all the same thing. Just depicts the front portion of that body part in the standard anatomical position. And when I document the injury, it is always from this position. This is my reference point. (indicating)

Q So when you're talking about, for example, an injury to the forearm, your forearms move when you turn your palms outward, correct?

A Correct.

Q So when you are talking about front or anterior, you have to imagine that this is a person whose palms is facing out. We might think this is the inside of our arm, he doesn't describe it that way. So for clarification, imagine that your arms

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are in this position like he describes where the wounds are on the arms, not so for the legs because the legs just stay the way they are.

A The way they are, yeah.

Q Sorry.

A No, that's fine, excellent point.

I think I can start trying to describe some of these.

Q So we're going to start with some wounds now?

A This is Image 70. And the wound I will be talking about first will be Number 9.

The next photo is going to be closer, but just to kind of let you know, so this is Number 9 that we're looking at. Specifically I term this is medial ventral right forearm.

So what that means is, I will stand up so you guys can see. So the normal anatomical position is like this. So when I'm saying medial, medial is in reference to, you know, draw an imaginary line down the middle of that particular extremity, medial is to the inside, lateral is going to be to the outside of that imaginary line.

Ventral, as we have already discussed before, is talking about the front part of that

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particular extremity or whatever we are looking at. It is also synonymous with anterior, front or whatnot.

When I say medial ventral, or right forearm, so talking about something that is off the midline inside, which makes it medial. Ventral meaning it is on the front and depicting a particular area which is the right forearm. So that's the terminology. So, and we're talking about this wound right here.

So this next image, which will be 71, showing a close-up of wound Number 9.

So a lot of this is just jargon for me to be able to say where it actually is on the body in terms of reference points. So with all of my gunshot injuries, I like to have two reference points.

One of them is a fixed point, so in this particular situation, I find something is going to be the right elbow and I'm going to say how far above or down it is to be able to specify, you know, the upper dimension or the lower dimension, which is kind of just your natural body axis.

So in this particular situation this wound is 15 centimeters below this right elbow, and

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then you want to be able to say where in the midline that is and that lets me know medial or lateral.

So in this particular situation, this particular wound is 5 centimeters to the left of the anterior midline of the right forearm.

So when I say left, it is from my left, not from you looking at me.

Q From the body's left?

A From the body's left. So this is the right side of my body, since I'm going to the left, I'm going over here, that's how it gets to where it is supposed to be.

So from that point, what I want to do after that is, I measure all of the wounds in terms of dimensions to see how big it is. In this particular situation it is about 2 centimeters wide as it is long. So it is 20 millimeters by 20 millimeters or 2 centimeters by 2 centimeters, whatever you want to use. It is the same changeable amount.

Once you do that, you want to look at the edges of the wound, meaning why that is important, with exit wounds as well as entrance wounds, there is particular identifying characteristics that you can see on a case by case

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basis. They are not always there, but there is certain things that kind of give me inside track to kind of figuring out what it is.

So in this particular situation when I'm looking at the edge of this wound, it is more irregular, it is kind of like, you know, someone kind of took a bite out of it, it is not a nice smooth circle or oval, it is more irregular. These edges are kind of tattered and look different.

So I specify how that looks to me. So in this particular situation I say that there's irregular edges, the wound is irregular and it is also clean, meaning that I don't see any type of injury to the actual edge of the wound.

Exit wounds, classically, this is kind of how they look. So once all of that is done, I'm able to say at this point that this is an exit wound.

So once I'm familiar with this as an exit wound, eventually I'm going to want to try to find out where the entrance wound is.

So we know where we are on the arm, on the right arm, we are on the inside portion of the arm and we are off medially of that midline. So this is the exit wound of that right forearm.

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Q Let me ask you, Dr. this discoloration right here at about 10:00 on that picture, what does that mean?

A That's just blood, dried blood.

Q Okay.

A When the blood coagulates, it darkens, that is what a clotted piece of blood looks like after it sits there too long, that is what that is.

Q In your report when you describe these various wounds or injuries, you talk about there being no stippling and no soot present?

A That is correct.

Q And you didn't find any stippling or soot on this wound, but why don't you explain to them what that is and what that means to you?

A All right. So the concepts of stippling and soot. Stippling, so let's just take a step back.

You have a bullet and it's fired out of a gun, a bullet is made up of like a primer, it is kind of the igniting substance that's within the actual bullet. And when that hammer of that gun strikes that primer, kind of combusts and kind of explodes, for lack of a better word, and then lights the gunpowder that's within the actual bullet. That

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ends up being propelled and that's what allows the bullet to come out of the barrel of the gun.

The concept with stippling is that when that primer ignites that gunpowder, in theory it all combust or burn, thus ultimately turning into soot, but when it doesn't turn into soot, you still have unburned particles that are real small, but due to the fact that they are being projected or shot out of that barrel of the gun, they are able to injure the skin. And those injuries of the skin is called stippling. So you will see little small individual dots around a wound.

What is important about the stippling is it helps you with the range of where that weapon is fired from.

So just roughly it depends on gun to gun, bullet to bullet, but roughly if you see stippling, you can say that that gun was fired a foot and a half to 3 feet to that particular part of the body. So that's what stippling is good for.

Now soot is, what I just kind of briefly mentioned, is when that primer kind of combusts, then lights that gunpowder, that gunpowder thus combusts and then it turns into soot, that's going to come out of the gun as well. When that

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comes out of the barrel of the gun that can be deposited on the skin.

The concept of soot is when you see soot on the body, you are looking at something that's closer than a foot and a half. You start to look and say that particular bullet was probably fired within 6 to 9 inches, or 6 to 12 inches of the actual body. So that's the importance of mentioning do I see soot, do I see stippling, so I describe what they are, and I describe what the importance of them is.

So at the end of the day, it is really helpful with range of where that particular projectile was fired from the gun.

Q And in this case, you do describe in each wound whether there was present stippling or soot, but this being an exit wound Number 9, you wouldn't expect to see any soot or stippling knowing it is an exit wound, correct?

A Correct, wouldn't expect to see that, so that's another thing to let you know that okay, this is most likely an exit wound. We don't see those features, you don't always have to see them. That is something that kind of puts you in that category we are not dealing with a close wound.

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: . Is there any question ever at this particular point in the examination that those wounds were caused by a bullet or anything else?

A Um, for me for the amount that I've seen, I've seen enough that I myself know that it was a projectile, yeah.

Q (By Ms. Alizadeh) You will describe in a minute the corresponding entrance wound, but sometimes it is probably just a layman's term, we call that a through and through where a projectile passes entirely through the body. Is that something you've seen in gunshot wounds?

A Yes.

Q Okay. And knife wounds would look different to you, correct?

A Yes, that is correct.

Q All right. So now have you described everything?

A Yes, so we've described all of the important features for this particular wound. I'm convinced that this is an exit wound, so I know that there is an entrance wound somewhere else on the body, so that's my next step eventually when I get there.

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This is 72. This is just showing that same wound of the medial ventral right forearm, like the ruler has just introduced into this picture just for scale.

I apologize, these things are hopping all over the place when we take pictures, we just kind of take and keep going. We will get it altogether.

Q For the sake of going through this and we've already discussed it, we are going to show every photograph and they are numbered.

A Okay.

Q So these numbers don't necessarily depict the numbers that you are photographing, or describing, so obviously we started with Wound Number 9. So I apologize, it might get kind of like a puzzle.

A If you have something you want to talk about, just write it down and we can pull it back out and talk about that, I have no problem.

All right. Number 73. So we're looking just to give you reference before I find the right number on our sheet, this is his right arm we are looking at this wound here, there is a right arm pit. And that one is actually, this should be

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Number 7.

Q Seven or Six?

MS. WHIRLEY: Is that an exit wound?

A This is Number 7.

MS. ALIZADEH: Okay.

MS. WHIRLEY: And that's an exit wound?

A Yes, I'm about to describe it. So we're looking at Number 7. So the particular location is the upper dorsal right arm.

So what we are talking about is, remember I was telling you about the forearm is going to be from the wrist to the elbow, the upper arm is going to be from the elbow to the shoulder. So upper arm, that's where we are at. And then when I say dorsal, and dorsal means the back part.

So we are looking, you know, anatomically speaking, if you turn around like this, if you look back here, this is kind of where this wound is. It is here. So that's the dorsal part of the upper part of the right arm. And then that's where we are at right now in terms of position.

Now, once you look at it, what is important is now I go through that same type of algorithm that I had before. You want to look at the contour of it, so this one is a little more

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stretched out, more linear as opposed to that other wound, which is a little more irregular. Not really a big deal, but you still want to take the same type of approach in describing what you see.

So this particular one, that's kind of the shape and it's length is 18 millimeters by 10 milliliters. In terms of location, I do that again, two fixed points. When I say how far it is from the shoulder and say where it is from the midline, I've done that.

Then you want to assess the edges, meaning assessing the edges is determining how they appear to you because that is going to be important to determine whether it is entrance or exit.

In this particular situation, they are a little bit irregular, but there is no type of additional margin around it, it is still a clean wound.

So when I say clean, there is no contusion, there is no abrasion around it, it is just coming, coming right back out the skin, making really no abnormalities to it.

So with me seeing that, this once again let's me know that this is another exit wound, but on a different part of the body. I know that I

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have an entrance wound someplace else. So this would be Number 7 where it is located. Do I have any questions about that?

: . So what explains the elongated hole rather than a round hole?

A A lot of times it is the actual tissue of where it is. So if you have an area where there is more fat on the arm, this particular area you can get a more elongated wound.

You have different types of soft tissue make up there. So depending on where you get hit, you are going to see different types of orientation of the wound or contours of the wound. So that is kind of a more fatty area of the body, so it is going to stretch out a little bit more as opposed to a place that's tighter, where the skin is tighter, you are likely going to see a different type of wound and more irregular.

If you feel your forearm yourself and you kind of tense it up, your forearm is lot tighter as oppose to the back side of your arm.

This is Image 74. And this is the same exit wound and we're looking, only difference is we just introduced the ruler for scale.

This is Image 75. So we're looking

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at Wound Number 11 on the autopsy report. We are looking at the ventral surface of the right thumb, or near the ventral surface of the right thumb. So anatomical position like this. So we are looking at the front part, anterior part of the ventral part of the hand. We are looking at the right hand is where we are at right now.

This is 76. There is a lot going on here and I will just try to do it step by step. Wound number, so this is 76, Wound Number 11. So we are looking at the ventral surface of the right thumb.

So in terms of describing this one, this wound has looked a little bit different than the two that I just kind of showed you guys earlier. This one is more elongated, meaning it is more stretched out as opposed to being like a circle.

When you look at it, what is important to realize is appreciating the elongating nature and then two, there's these little tags that you see, kind of like little sharks teeth. These tags are ultimately going to be important for determining the direction that you can say the bullet is coming out of the gun and how it struck his hand, but I will get to that part after I kind

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of describe it.

The fact that I'm looking at this kind of elongated wound, I'm seeing this kind of shark teeth, call them skin tags. I know that this is like a graze wound or a tangential wound. Tangential just means that it is going parallel to the surface of whatever it is striking.

So in this particular situation, got that, and then you want to measure it, which we've done. And the measurement is just five centimeters by two centimeters, and it is orientating kind of a 12 o'clock to 6 o'clock fashion. It is 12 o'clock to 6 o'clock based off the anatomical position. So we are kind of going from down, or down to up or however you want to do it, it is no big deal.

All right. What is important about these skin tags is how it lets you know what particular way the bullet is coming from. The skin tags point towards where the gun, the barrel of the gun is.

I'll come up here and show you. If the gun, the barrel of the gun is pointed this way, this is the way that the bullet is going to be traveling. These skin tags point back towards the barrel of the gun. You can't refute it. It is what

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it is. These tags are pointing back this way. They are pointing towards this.

So I know for a fact that the bullet is coming this way. It is going like that. (indicating)

Now, in terms of the anatomical position of the body, in order to keep both reference points the same, I'm still like this. So the reason that my trajectory is up is because it is just going up based on what the body is going towards the head because I'm like this.

In real life did it go up? Can't really say that, but just having the anatomical position of how I have to stay static so that I can have a reference point every time that I can discuss these, you have got to keep yourself like this and my direction of upward is purely based off of being like this. I want you to make sure that you understand that.

So what I know at this point is I have a tangential wound, I know which way it is going, I know which way it is coming from.

Now other things that are important at this point with this wound, I can see it better on here. It is better to see the discoloration that

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you have. You can kind of see, it is kind of dark here, kind of black, but here is it is a lot darker. Can I show?

If you look at the hand, and I will kind of walk around. If you see that material in there, you can't really appreciate it too well on the screen, but that's something where we are talking about soot and talking about stippling, this is where this is coming into play. This isn't stippling, the stippling, I told you, is unburned particles that cause the little dots on the skin. This is soot, which is the burned gunpowder that's coming out of the barrel of the gun and it is being deposited on the skin discoloring it and leaving it there. So there is soot there on the hand.

MS. WHIRLEY: So what does soot look like? So that means that it was a close range to the gun? This entered his body or grazed his body at a closer range to the gun than it would be if it was stippling or nothing at all?

A Correct.

MS. WHIRLEY: What does soot look like?

A Soot looks like, like you get charcoal and kind of the stuff that you have left over that is just black matter. That's what, it is just

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particle. So it is an organic particle left over. It is going to leave a smearing or something on the hand.

Q (By Ms. Alizadeh) Kathi Alizadeh. Dr. you did examine a piece of that tissue from that wound under the microscope; is that correct?

A Yes, I did.

Q I mean, we can go ahead and talk about that now since we are talking about this wound.

A Can I make sure they all see good, so then I will talk about that.

: . So front of the body facing this way, it can also that it entered, can it be entered this way too?

A Well, just how you did it, it has to be like that. If you are sitting there, I have to be above like that for it to come. That's the only way it can come, it can't come any other way, or if you are like this or you are like that or you are like this. There's lots of different ways regardless, it has to be coming at you that way, you can't get it coming this way.

Okay.

A It has to come from this way, this way,

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something like that.

: . What again is the maximum distance you would expect to see soot?

A Soot, it depends, it is a gun by gun basis. It is a primer, gunpowder thing, but about 6 to 9 inches roughly where the discharge of that material would be left on the body.

: Is there a middle distance, like if his hand was on the end of the barrel, would you still see the soot, so it is up to that 6 to 9 inches?

A You would still get some discharge of material if his hand was there, but the problem with that is, so when you say hand, you mean like?

He was reaching out struggling for the gun?

A You are like that, the wound is going to look different. Now we are dealing with a contact wound. If you are talking about actually physically holding something, that's something extra and different.

And for myself, let me take a step back about the soot and stippling. Stippling, when I see it, that lets me know that I'm dealing with an

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intermedia type of wound, meaning that it is like maybe like a foot and a half to 3 feet away. Then I have indeterminate wounds where I don't see stippling, don't see soot, I do know it's an entrance wound, so there is nothing extra on the wound to let me know about closeness. So in that situation, those are called indeterminate. They are probably 3 feet or further away, that's all I can say.

Soot, like we just discussed, we're talking about 6 to 9 inches. Contact wound, if it is a contact wound, so we are talking about we are up close and personal to whatever it is.

So with that you are going to see different type of characteristics on the scene, you are going to see more searing or burning of that skin because there is hot particles and gas escaping from that weapon that are going to cause alterations of that skin surface.

And when you actually examine the wound, you may see that soot type material deposited deep into the tissue or be black and deeper on the inside than the outside, or you may see a muzzle imprint. A muzzle imprint is where the end of the gun actually is so close to the skin surface or body

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surface where it leaves the end part of that barrel imprint on the hand. So those are some of the things you look for a contact wound.

So closest thing you've got of a contact wound, next is a close range wound with the stippling, I'm sorry, soot. And then intermediate is where we are dealing with stippling, and then the last thing is indeterminate, too far away, you can't determine. That's kind of my range of wounds and what the actual terms of contact, close, intermediate and indeterminate mean.

. This is telling us that it was a closer range and that the hand was open, not around --

A All I can say it is a close range wound. For him to get that, he is within 6 to 9 inches of however scenario you want to create in your head, that's all that that means.

Q (By Ms. Alizadeh) And you also know the angle that the bullet traveled across the skin?

A Yes, we know that too.

Q And the direction?

A We do know the direction.

Q Okay.

A So the next thing is, is there another way

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for me to determine that it is soot.

So as I said before, when I'm doing an autopsy, part of a complete autopsy examination is sometimes you have histology. Histology is the preparation of tissues that you take from the body, you process through some dehydration steps, alcohol step, you eventually put it into a block of paraffin wax. Where you then take microtone, which is just a blade and cut off a very thin silver of that tissue, put it on a glass slide and then using different type of dyes, pink dye, a blue dye, you are able to stain it. And then I get a slide back and then I put that under my microscope and then I can see the histology. That's just the study of tissues under a microscope.

In this situation I took some small pieces of skin from those areas of discoloration and I did histology on them. I got those back, and I looked under there, under the microscope. And when I can see in my actual skin sample is, I see foreign particles of matter, and what that means is, there is some of them are pigmented, some of them have different colors, but there is material there that he wasn't born with that had to be introduced into his skin as foreign material. I know that much.

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So I'll let you hop in if you want to.

Q No, I think you covered that well. I'm not a doctor, but I play one on TV.

A So at that point that's all I can truly say that this is what I have, it is foreign particulate matter that had to be introduced into his skin.

Now the next step is well, okay, where did it come from.

I can at this point say from what I've seen from textbooks that I have looked in histology and from what I have seen in the past, the material that I'm seeing is consistent with products that are discharged from the barrel of a firearm.

So that's why I can look at that picture on my eye, it looked concerning for some type of extracorporeal, meaning something that is coming from outside of the body. Some extra matter that I wanted to figure out what it was.

It is not something that he woke up in the morning with or something like that, but taking those samples with my pictures as well as looking at the histology, was consistent with products that are discharged from the barrel of a

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firearm.

And lots of products come out of a firearm. You have primer material, you have metal fragments, gunpowder, soot, you get all kind of things. There is mixture of things that are in there, that are foreign. That's why I say it is consistent with products discharged from the barrel of a firearm, does that make sense?

So did everybody get, I didn't get to specifically say the areas I'm concerned about, you can see the dark.

: I have one question,

So that wound, the hand wound, so basically the projectile, there was no exit wound?

A Exactly, it is just running along the skin surface. It is a graze wound.

: It is a graze wound?

A Just running along the skin.

MS. ALIZADEH: , are you Juror

I'm sorry, .

MS. ALIZADEH: He wanted to be promoted.

A We are on 77. The only thing different, we are just introducing the ruler for scale.

This is going to be Wound Number 10

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that I'm going to talk about next. And specifically the region on the body is, it is the right bicep, which is here, the bicep is just the muscle that is in between your elbow and attached to your muscle here, the deltoid, which is your shoulder muscle, that's the area that we are talking about. We are talking about this wound right there.

In particular this one too is similar to the other one that I just described, this is also a graze wound or a tangential wound, meaning that it is just running along the surface of the skin.

Now, what is different about this one is, this is going to be Image 79. So I'll just describe it first and then we will get to the differences between the two.

So this one is located 6 centimeters above the level of the right elbow, so it is a flat fixed point, so it is up above the elbow and then it is just to the left of the anterior midline. So it is more kind of medial than anything. It is going close to here as you saw in the picture.

So the wound is measuring 3 centimeters by 1 centimeters. In terms of how it is positioned, it is kind of going, you know, I guess you say this is 9 o'clock. So the face of the clock

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is here, this would be 12, this would be 6, so it is going 9 to 3. So it is going in kind of a horizontal fashion.

Now, this one, what's different is, the other one had nice skin tags, we could determine the directionality of the wound because it went deep enough and it also hit a part of the body where the skin on your hand is pretty tight. So it is more resilient to being disrupted. So it is going to pick up more changes of damage.

With this particular situation, you don't see any of those skin tags and what you do see is a drying or an area of discoloration here on the outside of this particular wound.

And when I palpated it, meaning touched it with my fingers, this wound was very hard and was very firm.

So in this situation, this is not soot, this is not any gunpowder, this is just the drying of the edge of the wound where some blood starts to leak out around the edges and interactions with air and interaction with clotting, it turns dark.

So this is just discoloration from dry blood, this is not soot or anything like that.

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So in terms of determining distance on this one, I can't. In terms of trying to determine directionality, I cannot. This is something that came from greater that 3 feet away. I don't have any characteristic things of stippling or soot or searing or muzzle imprint to determine how close it is. So this thing is farther than 3 feet. I don't know exactly even which way it is coming, but I do on, you know, you do mention the directionality of it, the three, I can't even say. There is nothing to let me know which way it is coming from. So that's that wound and that is how it is different from the hand wound, but it is still a gunshot wound nonetheless, but a different type.

Questions about that one?

Number 80. This same image, still the right bicep, still that tangential graze wound.

This one, just a second, let me get my bearings.

Q (By Ms. Alizadeh) Can I stop you for a second? I'm not peeking, but I don't know if you need to take a break to return the call?

A Yeah.

MS. ALIZADEH: We'll take a quick five minute break. We are going off the record.

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(Recess)

A This is 81.

MS. ALIZADEH: Okay, hang on, are you ready? We just took a brief break and the witness is still testifying, you are still under oath, Dr. all 12 grand jurors are present as well as Miss Whirley, myself and the court reporter. Please continue.

A So this is Image 81. On your paper, on the report where I have Wound Number 6, the I specific area of this injury is the upper ventral right arm. So what I'm talking about here is roughly, you know, kind of here in the area of the bicep.

You have a gunshot wound here, so it is the upper part, meaning in between the elbow and the shoulder. The right arm, and then dealing with the ventral portion, which is the front part of the arm. So that's where this wound is.

And as I said before, I go through the same process of documenting the size and the actual location on the body were two fixed points. So this one is 20 centimeters below the level of the right and 1 centimeter to the right of the anterior midline of the upper arm. This particular wound

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measured about 10 millimeters by 10 millimeters, or 1 centimeter by 1 centimeter.

Now, what is different about this one and what I was showing you guys before is, I showed you one wound that was more irregular, some tissue was kind of coming out, there was a little piece of clotty blood, it was more elongated, it had clean exits. This one is more oval in shape.

And what I can see here on the picture, which is demonstrated a lot better than here, but the difference between this one, first thing is oval in shape. You can make right here a little bit of pink tissue right here. You can make an argument is that an abrasion. A definition of an abrasion is just the superficial layers of your skin are rubbed off and it exposes the pink of the white meat of your hand and that's what an abrasion is.

So when these bullets come in, they don't always go straight in, they can come in at different angles. So when it comes in and it starts to rub that tissue off, that's what an abrasion ring or an abrade is on a gunshot.

If you see that, that's kind of indicative of an entrance wound. So in this particular situation you can make an argument is it

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there or not. I said it wasn't really definitive, but you can see a little bit there. But around it, it is kind of like a little bit of a reddish hue and that's kind of like a contusion ring.

So there is an injury to the skin from the outside going in. And so this part, when you see that, these kind of features together this lets me know this is an entrance wound.

And then the flip side of the exit wound, the exit wound just pretty much it will stay the same color, brown color of the skin, you can see a little bit of purple around it, you can see a little bit of pink, but it is pretty much just the wound. That's the difference between the two and those are the little small differences that you are trying to look for to be able to appreciate when you are trying to separate out an entrance wound from an exit wound. So that being said, this is an entrance wound.

Now at this point, what I do now is that, take a step back.

With cases I can also do x-rays with gunshot wound cases where people are dying from wounds or gunshot wounds. You want to be able to x-ray the body to be able to one, determine where

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there are projectiles, to also see any type of injures that may have fragmented the bullet, or to be able to help with the path of the bullet. Main thing is to see you still have evidence in the body.

So the whole body in this case has to be x-rayed from head to toe. So this particular part of the arm that we're looking at has been x-rayed. So when you look here at what I'm talking about. Eventually I say, x-ray showed bullet fragments associated with that wound, that's what that means.

So in terms of also looking at range in this case, I said that there is no stippling identified, there is no soot identified. So that lets you know that we're dealing with another one of these wounds that is at least 3 feet away or greater. I don't know, I can't tell. I just can't assess it because I don't have those distortional changes of soot, gunpowder or stippling. They are just not there, that's that part.

Now, once that's done, you want to be able to say, okay, I've got the entrance wound now, I should have an exit. So this story now completes that exit wound that was up here by the, kind of the fat up in the armpit, that this entrance wound is

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related to that exit wound. So once I know these two are related, now I have determined the path and the path is based off of what I told you all before is off of the anatomical position of the body.

Now I know I have the in, got the out, then I can say what is trajectory of the body.

So in this particular situation this bullet is going slightly upward, instead of backward, and it is going up, meaning that where it comes out at is a little higher than where it comes in at. That's the upward, upward talking from the feet to the head like this. So it is coming out a little bit higher than where it came in at, that's upward.

Backward means this is the front part of the body, this is back part of the body. So if it is coming in here, going out there, you know it is going front to back, so it is backwards.

In terms of the actual left to right, it is coming back a little bit this way on the body. So it is coming to my left and coming that way. So that's the trajectory of this bullet. A little up, a little to the left and it is going backwards that's the trajectory. It is based off of like this not, you know, jumping around, it is just like this.

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Now, once that's done, you need to say the actual path in terms of the layers of the skin, soft tissue, everything in between you want to say what will it track through. So in this particular situation, underneath the arm of the skin, it went through soft tissue and then it came out of the skin on the back side on the right arm.

So that's the actual path going through the body that it went. So soft tissue, so skin outside, soft tissue is everything like muscle, fibrous tissue, all of that stuff that is on the inside of your arm that is not bone, even blood vessels always needs to be considered soft tissue.

So it went through there and came back out the skin, so it did not hit the bone. Hit everything else in between there except the bone. So that is what I mean by going skin, soft tissue, exit wound skin.

So now we have one of those tracks kind of together. So we have the in and we have got the out, and that is what is going on right here.

Questions?

I have a question. So given the elevation of the entrance wound to the vehicle, does that tell you anything

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about the elevation of the weapon used? The injury and exit describe the upper going through the back, I assume it does not necessarily give you any idea where the elevation of that weapon was?

A Exactly. You have to think about it an arm, this arm can be in so many different type of ways. It is very difficult to be able to say exactly what elevation you are dealing with, that's why the arm is very difficult.

The fact that you've got you have an elbow joint, you have a shoulder joint and then the wrist, you have a lot of mobility within that arm and it can be in a lot of different scenarios. It is very tough and even impossible for me to say.

Q (By Ms. Alizadeh) And, Dr. not necessarily with this wound, but have you found in your experiences that often with projectiles that enter and pass through the body, it is not always necessarily a straight path, depending on if they hit bone or if they pass through other types of tissue, you can't necessarily say if it went straight through, that that was the angle that the bullet entered from and so forth?

A And that's correct. You have to be cognizant of that fact that there are things that it

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is hitting and going through that can alter the flight or trajectory of that bullet.

This is 82. Same wound, only difference is there is a ruler for scale.

This will be 83. We are looking at Number 8. Should be the dorsal right forearm. When I'm saying dorsal, anatomical position. This is the front of the forearm, and the forearm is between the wrist and the elbow. This is the front, dorsal is the back. So we are dealing with a wound here on the back side of the right forearm, and that's right here.

And I've already talked about its associated exit wound which is here on the ventral part of the forearm, which is medial. Here is the entrance and here is the exit, I'm going to talk about the entrance now.

So we are at Image 84. This is just a close-up view of this gunshot wound here on the dorsal part of the right forearm.

So doing same thing again, always want to measure from a fixed point as well as imaginary line, it separates left to right, which is the medial from the lateral.

So in this particular situation, it

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is 16 centimeters below level of right elbow and 2.0 centimeters of the posterior midline of right forearm.

The hole itself was 11 centimeters by 10 centimeters. So it is very similar in size to that last exit wound that I showed you that was part of the ventral arm.

Looking at these edges, which is important to do every time. These look, the shape is kind of oval, but what you can start to see now, if you look at this little edge, there is a little bit of a rim of kind of red tissue right here to the outside, a little bit brown. This is kind of a good classical abrasion margin. So the abrasion margin is the thing I talked about before, kind of almost definitive, it lets you know this is an entrance wound, in the right situations.

There is some other situations where you can see this, but it is not an entrance. I'm not going to confuse you with all of that right now.

But this has the classical features of kind of being round to oval, having a nice abrasion collar right there on the outside, that's kind of critical and that's key.

So when I see that, without getting a

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probe, I also probe the wound with just kind of a little flexible rod to make sure my entrances and exits they are communicating together as they pass through the skin.

Sometimes the rod won't pass through and I may have to open up the arm or whatever to see the actual wound track just to verify. Most times they will communicate and I probe these wounds to make sure that they are connected so they are not just a hole here and here. I'm just assuming they are together. I make sure I probe them, I make sure they are in communication whichever. This is the entrance wound here on the right dorsal forearm.

So once that's being said, this particular body part, and in this situation when it is being x-rayed, there is little small metallic fragments that are showing up on an x-ray. And most likely these metallic fragments are fragmented bullet and the reason that it's fragmented is, is when this passes through the arm, it hits a bone in the forearm.

You have two bones in your forearm, you have the radius and you have an ulnar. Your ulnar, if you feel your arm, you kind of feel the bone that is on the medial part of your arm, that's

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your ulnar. The other part of the forearm out here, that's your radius. So it kind of makes sense that this exit wound that came out of that medial part of the ventral forearm, that it hit that bone.

So when it came from out here, kind of where it is. When it passes through, went through those soft tissues, it hits that ulnar bone, shattered it and then that bullet came out.

So going back to your question, why do exit wounds look different and look odd? So if you have a projectile that has now lost its normal shape and it is fragmented when it comes out of that skin, it is going to have a different shape as opposed to something that stayed intact.

So that could be an additional reason for why you may see something elongated, some more irregular, you have to take into account the fact of what that bullet's actually doing when it strikes objects within an actual body. And a bone is a hard substance and it can be deflected some, so the actual trajectory is going to be, is going to be slightly upward, forward and left.

So once again, it is going, this one in this situation is because the entrance wound is on the back side of the body, which the trajectory

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is now forward because I'm like this, but it is coming from the back and going to the front, so that is why it is forward. That makes sense it is just purely based off of this position, not like this or anything like that, just like this. So it is coming back to front, and so that's the forward part.

And in terms of the actual things that it hit, I have actually kind of said it a little bit, it is going through the skin, soft tissue, hitting that right ulnar and hitting the soft tissue again and coming out of the skin, an exit wound. So now we have another communication of a wound path.

So we have entrance and exit right here on the back and the dorsal part to the ventral part, and we just talked about the one that's coming in here on the ventral part of the upper arm and coming out of the dorsal part of the arm, so got that both taken care of.

Image 85. Same wounds, just introducing the ruler for scale.

Q Just so we are clear too, right here, is that an injury or just dried blood?

A That's just dried blood.

Q Okay.

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A A new wound here, 86. We are at Number 4, the right front chest. We are specifically talking about this wound right here.

Just to describe the image, you have Mr. Michael Brown's feet here, his head here, instead of laying on his back you can see another wound here and this is one of interest. You can see the entrance to the right side of his face.

This should be 87. So this is a gunshot entrance wound to the upper right chest. And as usual, I always do two fixed points to determine where he's at on the body. So in this particular situation it is 16 centimeters below the level of the hole of your ear going down this way, and then it is to the right of the imaginary midline of the chest, so kind of right there.

In terms of the actual dimensions of the actual wounds, it is 15 centimeters, 15 millimeters by 10 millimeters. It is oval in shape, meaning it is pretty round.

Now the edges, I always assess those to determine entrance or exit. When you look at this one, you can see a little bit on the edge, there is a little bit of a defect there, right there on the side, so that's the abrasion once again.

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Just letting you know that this is an entrance wound. This one, I just want to show, just show them real quick, this is kind of hard.

MS. ALIZADEH: Sure.

A See that area right there on the edge? That's the abrasion that I'm talking about.

Q (By Ms. Alizadeh) You know when you are talking to them, keep your voice up because he has to take down what is being said, okay?

A I'm sorry. So this little area on the side of the skin, that's the abrasion, right, that I'm talking about, the abrasion collar.

So we have an abrasion collar.

MS. ALIZADEH: Is this the same picture?

A It is this the same one.

MS. ALIZADEH: I think you flipped it. Is this the orientation that we did before? Yeah, yeah, yeah, yeah.

A Yeah, okay.

Q (By Ms. Alizadeh) It confuses me.

A Sorry. So his head is here, feet would be here, this is his neck right there.

Okay. So we've dealt with the fact that we are looking at the abrasion collar or the abrasion ring, so that is letting me know that this

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is most likely an entrance wound. At that point you want to be able to look for any additional injuries that need help with range.

So there is no soot, meaning kind of that discoloration that you see around wounds and there is to no stippling, that would be those little small dots that you see around a wound, you don't have that.

So once again, I'm looking at a wound where there is an indeterminate distance, is the body greater than 3 feet away. So that is all I can say.

Once I know that, I move to the next part saying what's the, you know, looking at my x-rays to see if there is any fragmented bullets, any projectiles I need to get for evidence, that's the next point.

So in this particular situation, when I did the x-rays, there actually was a bullet associated with this wound that I knew that I had to get on the inside of the body that I end up doing when I do my internal examination.

So like when I told you all at the beginning when I said external and then internal, so when I take all the organs out and looking at all

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the damages that happens to the organs, at that point I start looking for that bullet.

So before anything even happens when I look at the x-rays before the case starts, I know I have a bullet there okay.

Q If we can, go ahead and describe, I know, you know, they all know that you opened up the body and assess the injury to the various organs. Can you go ahead and talk about that in relation to this wound generally and then there will be later photographs and discussions about that?

A All right. So when this one passed through, went through the skin and hit the collar bone right there and then went through, hit the upper portion of the right lung and then it went in between, so your rib cage, you have to think of it like a bare front part. Your ribs wrap all the way back to your spine. So when it passed through, your body is three dimensional looking from the side, it comes in here, passed through that skin, soft tissuing, hitting that collar bone right there, hitting the upper portion of the lung and then burying itself in between the intercostal space of the third rib.

So intercostal means, so you have 12

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ribs total. Think of that as a ladder. So you have rib one, you've got rib two. In between rib one and rib two that's called the intercostal space. That is just the spot in between two ribs. So in between ribs three and four, that's where I got the bullet from this particular wound.

So when this bullet went through the lung, it damaged the lung and created a defect. I think the defect is 2 centimeters in dimension. And then at the same time there was blood present within the thoracic cavity. The thoracic cavity are the chambers, you have two on both sides of your chest cavity. You've got a left side, you've got a right side.

So within that right side, 400 millimeters worth of blood, which is a decent amount filled up within that side of his body. So those are all the main kind of injuries associated with the path of this bullet going through, hitting that bone, hitting that lung and then burying itself in the back part of the thoracic cap area.

MS. WHIRLEY: Sheila Whirley. With that wound, would he have been able to survive that wound?

A Eventually, it would have, it would need

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surgical attention. If it is not addressed, it could have been a lethal wound.

MS. WHIRLEY: But it was not the fatal wound in this case?

A No, it is not. Not the immediately.

Q (By Ms. Alizadeh) Could someone who have sustained this type of injury, would they be immediately disabled?

A No, they would not.

Q So they could continue to stand?

A Correct.

Q They could be mobile for a while?

A Correct.

Q Okay.

: . The trajectory entered here is that it hit the collar bone, did the collar bone deflect it downward, you think, the path of the bullet?

A It is possible, but it is hard to tell exactly what role that is going to play with the bullet. It is a wild card. You know, if it wasn't there, it went straight through the body, came out the back we all know, but the main thing you can say about it is, it is going to slow it down. It did fragment the bullet, it kind of broke it up a little

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bit and it is going to slow it down, but that is about all you can really say. It is kind of an intermediate thing in between where it stops.

: You can't say it is a downward shot, it could have been a straight edge shot?

A It could be straight or down.

Okay.

A You have to think about your head too, your head is on a pivot, so pivot, you know, like that. And say something is passing through it is possible it could do that or it could be a straight on shot.

That's the variability that you have with wounds when you are dealing with something close to a joint or something, close where something can pivot around because you can get an exit from something from someplace else and reenter another place in the body. And that's what makes it difficult when you weren't actually there.

Q (By Ms. Alizadeh) So I'm not saying this is true in this case, but you are saying you can have a bullet that would pass through someone's arm, so you have an entrance wound and exit wound of the upper arm, for example. And then the bullet can

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then reenter the chest cavity?

A That is correct.

Q And do you have any way to know whether that was the case in any of these wounds?

A No, I do not.

It was mentioned earlier, do you have any indication that the grazing from the hand could have been one of the chest entered wounds?

A It is possible if your hand is in the right way for that to happen, it is possible. But all I can say about that wound is that, I have an idea of range and I have an idea of directionality, but that's really all that I can -- I definitely know from my examination, but after it left there, there is a lot of possibilities.

This is 88. And the only difference with this one is the introduction of the ruler.

A new wound here. This is going to be Number 5, lateral right chest. So as always, this is a gunshot entrance wound, it is located 20 centimeters below the level of the right auditory meatus and then it is to the right of this imaginary midline of the chest. That is how you know where it is located.

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In terms of the size, it is 12 millimeters by 12 millimeters, and this one kind of has a little kind of a teardrop or somewhat of a oval type shape to it.

There is a very small abrasion ring around it and that is just that defect that you see associated with wounds and when bullets pass through the skin, it rubs off that little area as it is entering. So that is kind of letting me know that this is an entrance wound.

As I always do, want to try to help yourself with range if you can. So I look for soot and I look for stippling. There isn't any on this wound, so now I'm dealing with another wound that is most likely greater than 3 feet away. I don't know how close, it is an indeterminate distance.

So x-rays are done, so there is a bullet associated with this wound as well. And it is further down in the body and I recovered it from the lateral part, which is kind of out here, of the right back. So it is kind of coming up here, but I end up getting the bullet out around down here, just so you know.

So that kind of lets you know there is a downward trajectory with this particular wound

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that is based off of this position. So it is coming in here and getting here, you already know it is going down.

MS. ALIZADEH: has a question, Doctor.

: I notice on both of these that there is other like bruising and other stuff?

A What are you referring to?

The other picture, just the last wound that we saw.

MS. ALIZADEH: You want to point with this?

A This picture.

Both of them around the wound. All of this stuff around here, is that normal, is that bruising?

A Are you talking, like this?

Yeah

A That is just kind of smeared blood.

I know it was worse on the last one.

A That is not bruising. So bruising, the technical means contusion. So bruising, contusion these are kind of synonymous words.

The difference between that, and this

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is just kind of being an artifactual thing, this is something on the outside of the skin, it is on the surface. A contusion or a bruise, that's blood underneath the skin surface. So it is like, you know, someone punches you, kind of turns blue, green whatever over time, you have blood underneath your skin that is going through the process of changing colors.

So in this situation, this stuff that's here, this is just some artifact and just kind of cleaning off the wound and it is blood that kind of transfers from here out to the skin so that is not a contusion.

Okay. Now, so we got the trajectory, you know, in turn, what did this pass through. It went through the skin, it went through the soft tissue, and as it is going down, you have got to once to think about your rib cage, kind of like a barrel.

When it goes down through that skin, you have ribs kind of jetting out there, it kept going down and that rib, that eighth rib, you have 12, it is kind of sticking out and the bullet hit that. It fractured that rib and it kind of bounced off a little bit and just stayed in the soft tissue.

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The problem with that injury is, when that rib fractured, it fractured to the inside and the lung, the bottom portion of the right lung he had got punctured because of the breaking of the bone.

So there is an additional injury to the lung further down. You have got one at the top too, one in the upper chest, now you have one further down. So there is a puncture wound from a bone breaking from a bullet hitting it, and you have got one that's just a gunshot wound that is actually hitting the lung.

So there is going to be a little bit of blood coming out of that wound as well. So these two gunshot wounds technically of the chest, that 400 millimeters of blood is going to be associated with both of those wounds. And so it is important to know that those can be ruled the same, they are both causing injuries to the body that if not corrected, it could end someone's life, but in this situation there is another wound to the head that I'm going to talk about. I just want to make sure that you understand the separation of the two.

Q (By Ms. Alizadeh) So, Dr. this wound then, without medical care could be fatal, but

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not immediately so?

A Exactly.

Q And again, with this type of wound, a person sustaining that would they be able to stand and be mobile for a while?

A Yes.

Q Okay.

: . There is nothing else sequencing of these events, correct?

A For this wound here, no.

: Fatally, you know what the final one was, you don't really know --

A Right.

Q (By Ms. Alizadeh) So far, just to be clear, and we don't, you can't say so far the sequence of these wounds?

A Not right now, no.

Q Which one happened first, but none of these wounds would immediately incapacitate someone?

A Correct.

Q Okay.

A So this is the same wound that we are looking at. The only thing different is the introduction of the ruler. I'm sorry, I didn't say a number. This is 90, I'm sorry.

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91. So the head of Mr. Michael Brown, we are looking at the right side of the face. And the wound that I'm going to be getting to next is going to be Number 3. It is going to be right here, it is going to be an exit wound of the right jaw.

This is just showing from the top down, just showing some more wounds of the face.

This is 93. So this is his neck, this is the top part of his head here and you have this exit wound here of his right jaw. So let's walk through this one.

So this one is located about 5.5 centimeters below the level of the right ear hole and then it is to the right of the anterior of midline of the head, which is like that. So it is to the right. The hole measures 15 millimeters by 9 millimeters.

Now looking at the contours of it, the contours meaning the edges, I do that on every wound that I see, the gunshot wounds. If you look at this one, you kind of see this little edge is kind of flapping over a little bit. You don't see those good little peak margins that are around it, it is a little more irregular, it is not as smooth.

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And you kind of actually see a little bit of tissue kind of streaming out there and a little bit flopping out of the wound to the outside.

So when I look at all of the constellation of all of these things, this is letting me know this is consistent with an exit wound.

I don't see any stippling, I don't see any soot, shouldn't see that in an exit wound, but the thing is it is a little more irregular, don't see a good abrasion ring, don't see a good contusion, don't see any bruising, don't see anything that I typically see in a situation of an entrance wound, so I know that's an exit wound.

This is going to be in relationship to another wound that I will get to eventually.

So this is 94. And the only thing different about this is the introduction of the ruler.

Q This is 95?

A This is 95. This is the right side of Mr. Michael Brown's face. I am wanting you to focus on this wound right here, which is a gunshot entrance wound. This stuff here, these are abrasions. I'll just describe them.

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So up here on the right forehead, this kind of irregular area right here. This is an abrasion, as I said before, an abrasion is just where that superficial layer of the skin rubbed off and exposes that underlying soft tissue. That particular abrasion right there measures about 7 centimeters at its greatest dimension, kind of the longest point.

Then there is one over here on the lateral part of his face, it is kind of dried, meaning when I say dried, see how it is kind of discolored, this is more pink, this is dried. That's an abrasion right there on the right side of the face.

And then let's see. And then over here, you will see it later, out there on the lip he has got some abrasions here on the inside of this lip.

But back to the gunshot wound which is going to be the main thing I'm going to talk about next and that's going to be number two on your autopsy report.

This is 96. Only thing different about this photo than the last one is just the introduction of the scale with the ruler.

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This is 97. So this is this gunshot entrance wound of the central forehead. So it is located 7 centimeters above the right ear hole and 2 centimeters to the right of the anterior midline of the head. So the imaginary midline of the head is here, it is 2 centimeters off to the side. So that just kind of locates the wound.

The whole measures 15 millimeters by 10 millimeters. The wound itself is somewhat oval, I can see better on the photo here, but right there, there is kind of an abrasion ring out here on the outside.

What that is kind of helpful with is, it is kind of letting me know that it is going downward because when this, when this bullet came in, the abrasion ring is more irregular to this side, it is bigger on this side than it is there. So when it is rubbing in, I know that it is coming in a downward fashion. One, just because of the abrasion ring and two, because of where it ultimately went on his face.

So it is coming here, think of the anatomical. It is here and when it is coming down passing there and it is going to come out of the face. So that you've got two reasons for how you

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know it is down. The abrasion collar and also just the starting here and ending up there. It is coming from the top to here.

Q And, Dr. did you determine that path not only, I mean, possibly via x-rays, but did you probe that wound as well?

A Yes, I probe all of my wounds to make sure that the entrances and the exits do coordinate.

: . Does your assumption in talking about how body parts move that, or like when his head was down, and the officer was standing above him.

A That's a possible scenario.

: Thank you.

A So we got that. So now we dealt with the abrasion collar, we know there is an entrance wound. So now you want to look at your x-rays to see if you see any type of bullets associated with this. There are little tiny fragments, but no large intact bullets, I can't recover those. Those are not good for ballistics, you need kind of an intact chunk to be good for ballistics.

All right. So in terms of soot or any type of stippling, there is nothing around it, only thing that is nearby are these abrasions.

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So in terms of trajectory, how far away, I can't determine this, this is an another indeterminate wound that is going to be greater than 3 feet away.

In terms of the actual trajectory itself, it is downward, slightly backward and going to the right. It is going down, going back, meaning this is the front part of the head, it is coming back over here, so it is backward down and going to the right because this is the center, this is right side and it is going that way.

All right. Now in terms of the actual tissue planes that it passes through, it is going from the skin, it's going through the soft tissue and the things that is interesting about this one is, so when it is passing through, there is like, there is defect here, call it a laceration, call it a defect.

In my particular situation, I called it gunshot related defect because as this bullet passed through, there is enough meat and skin here on the front of Mr. Michael Brown's forehead that this bullet is tunneling underneath that skin. When it got right here where the eyebrow was resting over that ridge of bone that we all kind of have right

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there, it disrupted that tissue, continued to travel underneath and then went by his eye here. There is another defect, it passed through the actual globe of the eye.

Then you have a bone here, right underneath your eye, it went through that bone, passes through there, you have a bunch of soft tissue here in your jaw and cheek, it passes through there and then eventually comes out of the jaw right here on the side. So that's the particular path of this particular shot.

Q (By Ms. Alizadeh) Now, does this projectile travel through any portion of the brain?

A No, it does not.

Q And now I know you said it went through some bone that was below the eye, does it fracture the bone at the entrance site?

A No, it does not.

Q So it goes into the skin and the soft tissue and then almost travels along the bone, along the, just underneath the skin?

A Correct.

Q Going through the globe of the eye?

A Correct.

Q And then breaking a bone?

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A Correct.
Q Now, would this type of wound immediately render someone disabled?
A No.
Q If someone sustained this type of wound, could they continue to stand up for a while?
A Yes, they could.
Q Could they continue to be mobile?
A Yes, they could.
Q And, obviously, I'm sorry, Sheila, with the eye being pierced in this case, they would lose this vision from their right eye, correct?
A Correct, the eye is no longer going to function, it is totally disruptive.
MS. WHIRLEY: Shirley Whirley. Would the combination, you said you can't talk about the sequence of the shots which occurred first, but the combination of the shots that we've seen before the fatal shot, it still would not render this person disabled.
A Correct.
You talked about the abrasions, anything that you conclude from the abrasions, how they occurred?
A Well, an abrasion, all that is to me is

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that particular part of your body came in contact with another force. So to get an abrasion, I fell right now, I hit my head right there, I could scrape off skin. I fell down on the ground and collapsed on the ground that could cause those abrasions.

From the way he's positioned where he's found after he's rendered disabled, his face is in contact with the ground and that's consistent with that position.

: There need to be forward motion on that face to scrape it like that.

A You would need some sliding.

Some sliding

A For it to rub off. You need a frictional force. You can't just plop straight down, plop straight down and cause more bleeding, you get more contusions from things just stopping and don't slide. When things slide with friction, that's when it gets rubbed off, and that's when you get your frictions.

I don't recall, or not speaking about the abrasions, did you find any evidence of any type of burn to the skin or anything, any type of injury like that because we all know, I mean, this happened at 12:00, and the

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young man laid there on the ground in one of the hottest days of the year. Any type of wounds such as that, any evidence of anything of that nature?

A There's really no burning per se, but there is one wound on the cheek that had a dry appearance, that's about the only thing that, you know, contact could be a drying affect or something where the pavement is warmer, who knows, but that feature is there. There is no burning of anything.

Okay, thank you.

. Are the abrasions severe enough that you think the victim would have been in motion at the time of the fatal shot or could have been standing at the time of the fatal shot, absorbs that amount of friction just by simply falling from a standing position?

A Eventually falling and hitting the ground, and the ground and his face, that's how that happened in my opinion.

I think we've got those taken care of.

This is 98. And the only thing different about this is the introduction of the ruler.

We're at Image 99. So we're looking

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at the top of Mr. Michael Brown's head. This is the top portion of his scalp. So what is happening here when he originally came in, I documented the body how it is, I shaved the hair off of his head to expose the wound, so this is what I created when he came in. He didn't look like this was all black hair here, you couldn't even see the wound. The reason why I knew it was there is from my x-rays, as well from palpating the head, I could feel a wound and I saw blood coming from there, that's why I knew there was something there.

Once I identify a wound like that on the head, it is standard protocol and procedure for me to remove the scalp, not the scalp, the hair in order to one, be able to assess the collar, the abrasion collar, to help with distance and to also look for any type of stippling or soot.

Kind of, you know, in a classical sense, typically the hair can block these things from being deposited on the skin, but proper protocol to be able to wipe away that hair to see if you can see anything that may have penetrated the hair and got to the skin to be able to help with the range.

So that's the reason why you have to

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remove the hair to be able to assess wounds to help you with distance and to also be able to characterize the nature of the wound.

Q (By Ms. Alizadeh) You know that brings up a question regarding the deposit of the soot or stippling. If the projectile enters through a piece of clothing, could that also affect whether or not soot or stippling is deposited on the skin?

A That is correct.

Q And in this case, the clothing was removed off of the body, correct?

A Correct.

Q And do you recall having a short sleeve shirt on, correct?

A Correct.

Q Now, did you examine the clothing yourself to determine if there were any holes in the clothing?

A I do look at the clothing to look for defects and that's what I refer to them as.

Q Did you see any defects in the shirt?

A Yes, I saw defects in the shirt.

Q Okay. And you don't document those in your report, correct?

A No, I don't specifically say where they

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are. I generalize and say there are defects present in the shirt.

Q Okay, all right. Thank you.

A All right. So this particular one I think is probably Number 1. We are going to be looking at Wound Number 1 on the autopsy report. This is the gunshot entrance wound to the vertex of the scalp.

So positioning as I always do, it is 20 centimeters above the level of the ear, we are also going up from here. And it's, and it's near the actual midline of the head. So if you look, it is pretty much in the center, kind of dead on.

The hole measures 10 millimeters by 8 millimeters. It's roughly round and it has pretty level edges.

Now, when you look at the edges as I always do, you can kind of see this little bit of pink tissue around there, that's that abrasion collar that is going to let you know theoretically this is an entrance wound.

Now I have to caveat with gunshot entrance wounds to the head. You should never just purely go by the classical thing that we talked about, abrasion rings and contusions. The problem with it is the head is a skull that's underneath and

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that bone creates a different type of resistant path for the bullet to pass through.

The best way to determine if there is an entrance or an exit wound of the skull is on my examination, when I reflect the scalp, which is a normal part of the procedure and remove the skull cap. When you look at the actual hole, and I think there will be some pictures eventually, we'll get to that.

When you actually look at the hole, there is a concept called beveling. Beveling is where you will see an outpouching of the bone. So if the outpouching of the bone is to the inner table of the gunshot wound, that's an entrance wound. If the beveling or outpouching is on the outside of the outer table of the skull, that's called external beveling, that's an exit wound.

So when I get to it, this particular wound had internal beveling, so that lets me know for sure that this is an entrance wound to the head. It is pretty much every time, I just want to make sure you understand that.

MS. WHIRLEY: Sheila Whirley. I know you can't tell us exactly what position would Michael Brown have been in to have the shot to the top of

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his head?

A The shot fired has to be above the head. So in theory, if I'm sitting here and somebody's up there and shoots down, you have to be above, the shot has to be fired above his head in order for that to happen.

Q (By Ms. Alizadeh) Kathi Alizadeh. When you say above, you're talking the anatomical diagram?

A Right.

Q I'm just theorizing here, just theorizing. So if someone in this position, in other words, is bent over at the waist and the top of my head is facing the wall, that could account for a bullet that would enter the top of the head, correct?

A That is correct.

Q In this case you have no way of knowing where, what position his body was in when he sustained that gunshot wound?

A No, I do not know specifically, correct.

MS. WHIRLEY: But it would be inconceivable for him to be standing at 6'4", straight up and have that shot to the top of his head from someone not as tall as him, taller than him?

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A Correct.

MS. WHIRLEY: Okay.

A So as we always do, we want to see if there is any stippling or soot. That's not soot, that's just his hair. That wasn't scraped all the way off with a scapple. There is no soot, there is no stippling. So in terms of range, that is a wound that is greater than 3 feet away again.

An x-ray, full body x-ray on this particular situation, there is a bullet associated with this wound that I ultimately recovered within the soft tissue on the right side of his face that's associated with this wound, there is a projectile.

All right. There is internal beveling of this bone of the skull, which I was telling you about before, that lets me know that this is an entrance wound.

The path or trajectory on this one based on the anatomical position is going downward, it is going from the top of the head towards the feet and it is going right. Meaning that when it passes through the head and goes through the brain, you got your outer part of your skull here, it is going that way and burying itself. You can see it is down and to the right. So that is how you know

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that part.

In terms of the actual tissue that it is passing through, going through the scalp, the skin surface of the head, soft tissue, the parietal bone of your skull, that's the particular location of the skull cap specific for me, but just layman's term, just your skull.

Once it went through the skull, it hit the brain and your brain is separated in hemispheres. So you have a parietal bone, you have a parietal lobe. So it went through the parietal lobe of the brain, then it went through the temporal lobe of the brain. This is all on the right side.

Then it passed through the right temporal bone of the skull, which is out here and punched through there and buried itself right here in the skin, the soft tissue beneath the skin on the right side of his head. So that's the path of the bullet.

So when it goes through there, it is going to create injuries to the brain. There are small little tears or contusions that are happening to the brain as this bullet is punching its way through the white matter of the brain. You have gray matter on the outside and white matter on the

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inside.

The white matter is responsible for your, the nervous impulses that are going to go through your brain. So those tracks, there is little small contusions there, that's just from the pathway of the bullet going through the brain.

There is also hemorrhage associated with the wound. You have multiple spaces in your brain. You have an epidural space, which is, you know, you have your skull, beneath your skull there's a space and then you have your dura. Your dura is kind of like, for lack better of a better word, the skin of the brain. In between that imaginary space is called the dural space, there's a space there.

You can get the dural, then you start getting to another space and then you get to the brain. So beneath that dural space is the subdural space.

There is blood there and there is actual blood on the surface of the brain, which is the subarachnoid space. There is two areas where there is blood, you have defects of where the bullet is entering and then kind of exiting out on the brain and staying in the soft tissue.

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So those are the main injuries that you have associated with this wound that's passing through the skull and burying itself right there in the soft tissue.

Q (By Ms. Alizadeh) Now, Dr. if someone who sustained that type of injury to his brain, would that immediately incapacitate him?

A Yes, it would.

Q So this person would not be able to stand or walk or be mobile in any way?

A No, they would not.

Q Would they be conscious?

A No, they would not.

Q And is this a fatal injury?

A Yes, it is.

Q And is there any amount of medical intervention that would, could possibly save the life of someone sustaining that injury?

A Highly unlikely.

Q All right.

MS. ALIZADEH: Does anybody have any questions about this injury?

: You said that you had to remove the hair from that area. Is it possible to get any kind of soot or anything, any

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kind of sampling of that or was anything sent in to be examined or is it even possible to get any type of evidence out of that?

A It is always possible, but nothing was sent off with regard to the hair.

Q (By Ms. Alizadeh) So the hair that you shaved off the scalp was not collected and kept?

A No.

Q Or tested in any way?

A No, it was not.

Q Okay.

Any other questions about this wound?

A 101. Same wound, but just the introduction of the ruler.

Q And just so I'm clear on this, the bullet that we're talking about is Wound Number 1 in your report, entered the brain, traveled through the brain and then you said was in the temporal region just beneath the skin or the soft tissue?

A It is a little bit, it is coming right through the bone of the skull, it is sitting in the soft tissue right there.

Q In photographs, is there an injury to the side of his face where that bullet rest beneath the surface?

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A It did not make an injury on the outside of the face that would correlate to the inner injury.

Q Just for the sake of these, all of these injuries that you talked about, there was a projectile that was found in his brain, correct?

A Well, it is more the soft tissue.

Q You're right. Wound Number 1, you recovered that projectile?

A Correct.

Q Did you give that to the police officer?

A Yes, I did.

Q He packaged that?

A Yes, he did.

Q And then you also indicated you retrieved a projectile in his chest cavity?

A Correct.

Q Was that given to the police officer?

A Yes, it was.

Q Was that packaged?

A That was packaged.

Q Any other projectile or foreign object that you retrieved from his body?

A There was another. So the one projectile back out here and one further down here, so there

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were three projectiles that I recovered.
Q Okay. And then regarding any other samples that you took, you've already testified that you took a sample from that thumb area?
A Histology.
Q And did you take a blood sample from him?
A Like for a blood stain card for DNA?
Q For DNA, but also for toxicology?
A Yes.
Q So those are separate samples?
A Yes.
Q There is a stain card that is made for DNA?
A Yes.
Q And then there is a sample of blood put in a tube or something?
A Yeah, there is two types of tubes. We have a red top tube, which is just basically a tube with no preservatives in it, just going to be pure blood and then we do a gray top tube has a preservative, like sodium chloride. It is important for dealing with testing for like cocaine, things of that nature.
Cocaine is kind of volatile and kind of breaks down if you don't put the fluoride in

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there to stop the activity of the enzymes in the blood. That is what the gray top tube is for.

So we do a red top and gray top for toxicology, and the specific blood that I used was chest cavity fluid that was sitting from that gunshot wound. There is a lot of blood there. I used that for my toxicology because the other locations to try to get blood was very difficult. He had lost blood, it is difficult to get sometimes, so you get it where you can get it from. The biggest reservoir of blood was the chest cavity.

Q And did you also take a sample of the vitreous fluid from his eye?

A Yes.

Q He was missing his right eye, correct?

A That's correct, it came from the left.

Q You do that by a syringe, drawing off some fluid?

A Correct.

Q And that's preserved for toxicology?

A Correct.

Q And then you also said earlier you had mentioned urine. Did you take a sample of urine from him?

A Yes, I did.

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Q Is that also with the syringe?
A That is with a syringe.
Q Is that taken from his bladder?
A Yes, it is.
Q And so the cavity blood, the urine and the vitreous fluid, you know those samples were subsequently sent to a toxicology lab?
A Correct.
Q And is that lab also a part of the Medical Examiner's Office?
A Physically it is located in the same building.
Q But that's run by St. Louis University, correct?
A Correct.
Q And other than sending those things off, you don't have any role in testing those?
A No, I do not.
Q Okay. I want to try to go through these quicker so that, I don't want to, again, I don't want anybody to not ask questions they want to ask. We've talked about the major wounds that he's documented in his report. He has some additional photographs of some of those tangential wounds and also there is some autopsy photos where there is

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cutting done. All of these photographs are going to be available for you.

If you want, we can have him go through them one by one. I prefer him to testify about what he saw when he opened up the body and so forth. I will tell you they are graphic and that is going to be up to you guys, okay?

And so also let's go through the rest of these injuries that are photographed and then when we get to the cutting part, I'll ask you guys if you want to start going through those photographs. If you want to look at them on your own at a later time.

I have one question for you. I need to understand, all of the injuries with the exception of number one, accumulatively he could have still survived and been mobile?

A He could have been mobile, I wouldn't necessarily say survive. Those chest wound injuries, those would have eventually become fatal if not addressed.

He would have been mobile, but this one absolutely?

A Absolutely.

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: . Those thorax wounds if treated, he could survive that?

A Unlikely, the chest wound. The problem with chest wounds, this is going to be the physiological problem with it. You need your lungs to breathe. When those bullets went into his lung, it punctured it, it squeezed it down, so now he is only working on one lung. At the same time what happens is there is vessels in there that he injured.

So as that chest cavity fills up with blood, it is going to get to the point where it fills up with so much that it shifts all of those organs on the inside of your body to the other side. And the problem with organ shifting is you have a major organ in the middle of your chest, which is your heart.

So think of it kind of like a garden hose. You put too much pressure on one end of it, it stops the flow of the water. So the stop of the flow of the water, in this situation is the blood. When that thing starts filling up and pushing over to the side, those vessels get squished, squished and eventually get squeezed off to where now the blood can no longer get returned to the heart to get

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pump to other areas. And then that's the main problem is your head is not getting blood, now you are going to become unconscious. You are going to have two problems, you're not getting blood, your blood carries your oxygen. So you are not getting any oxygen to the brain, you are physically not getting blood to the brain, you are also losing blood out of your body, inside of your body. So you kind of got a lot of problems there.

But he could not immediately, the hemothorax could be reversed?

A If you had some medical intervention.

That's what I mean.

Q (By Ms. Alizadeh) Would you say, Dr. that medical attention would have to be immediate?

A I agree.

Q Like if he were shot in the hospital, then possibly if there was a doctor at his elbow, possibly he could have medically then have survived those injuries?

A Correct.

Q Without immediate medical attention, he eventually would have died, alone of the internal thoracic injuries?

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A Correct.
Q And just to clarify because you talked about bullets passing through his lung. And I thought maybe I misunderstood. I thought one of the injuries to the lung was caused by the rib that punctured the lung?
A Correct.
Q Was there more than one bullet know through the lung?
A One bullet went through the lung, the other bullet struck the rib, the eighth rib, which is nearby, so your right lung is in three pieces. It has got an upper lobe, it's got a middle lobe and it's got a lower lobe. So the first, that bullet that's up here by the clavicle by the collar bone, that hit the upper part of the lung.
So when that other bullet passes through and hits the eighth rib, it snapped it, it fracture it. So say this is a rib cage, your lung is sitting there, when it broke it, it snapped it to the inside and when it broke, the bone punctured that lower portion of the rib causing additional injuries to the lung. So the bullet itself didn't do it, but the bullet hit the bone and snapped and did puncture the wound.

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Q Okay.

MS. WHIRLEY: Sheila Whirley. Can you tell, is there any way to know how quickly he would have been incapacitated due to all of these injuries prior to the fatal shot?

A That's going to be difficult, difficult to determine. It is just pure speculation.

MS. WHIRLEY: Okay.

. I just need some clarification. The wound to the head, did you say that was a far distance?

A That one is an indeterminate, so it is greater than 3 feet.

It is greater than 3 feet?

A Correct.

MS. ALIZADEH: Any other questions about those wounds so far?

: The wounds to the top of the head, could he have been already falling forward?

A It is possible.

: So let's say like the first wound he received, I know you said --

A What is the first one we are talking about?

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: Let's just say to the chest.

A All right.

: Could that wound have like, I know you said that he could of still been mobile, could he have not been mobile as well? Could you just like get shot?

A You can stop walking, that wound is not going to prevent you from using your legs. You've consciously chose to stop moving, you still would have the ability to move with sustaining a shot like that. It is not going to render you unconscious, that's the point I'm trying to make. The wound to the head, he's going to be unconscious, he can't move if he wants to.

But you get hit here in the chest, you are going to have some time to be able to move around and it is depending on a variety of factors. How quickly you use blood. The main thing that will make you collapse is, once you block off that blood return, you've got maybe like 10 to 15 seconds of reserve of oxygen going to your brain before you pass out.

So when you reach that critical level, each person is going to have a different

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critical level with body masses, being different sizes, people have different kind of levels of blood reserve, different levels of volume.

So someone smaller or bigger maybe last a little bit longer. Also the activity that you are doing before is also going to impact. Say, for instance, if you have been running and your heart was going really, really fast, you're going to pump blood out quicker as oppose to someone really calm, just kind of sitting there, you are not going to bleed as fast. So all of these factors play a role in determining how quickly you are going to be responsive or immobile.

Q (By Ms. Alizadeh) Okay. Let's go ahead and somewhat quickly if you can run through those other photos. If you go ahead and identify them and put them on what it says, what it shows abrasion?

A This is 102, I believe. So this is his left arm, this is just showing a linear abrasion on the left arm.

Q You characterize that before as being like a grazing wound?

A I wouldn't say it is in that category. This one is some type of blunt force injury caused that. I wouldn't say it is necessarily a

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projectile. The characteristic of it is different. You could have rubbed on something, it is hard to say. It is nonspecific, but it is not a classical graze wound like you saw on the bicep on the right arm or that graze wound.

This is different. This is just an abrasion. It is not specific and I can't say what it is from.

: My thought was whether with glasses on, if you were able to tell if it was a clean cut?

A That's something you can argue about, but the fact that it is so dry and, you know, it is kind of firm, it is kind of difficult to say is it a cut or incise wound. I can definitely say that is a superficial layer of skin has been rubbed off, but it is difficult to say was it a sharp or was it, you know, rubbing on some keys or who knows, a door, I don't know. It is kind of in between and it is difficult to specifically say what caused that. But there is definitely an injury there, the top part of the skin is gone.

: Thank you.

A 104. This is just a close-up, same thing with the showing of that.

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Q (By Ms. Alizadeh) Just out of curiosity lower in the photograph, is this also an abrasion?

A Yes. This is just showing that right palm again, showing that graze wound of the hand.

106. Showing close-up of the graze wound of the hand.

107. Same thing, graze wound of the right hand with the ruler.

On 108. There is a very, I'm going to get a little bit closer, but it is a little bit of an abrasion here on his right here which is right there.

109. This is close-up of that little tie any abrasion on his right hip right there.

This should be 110. This is just the same thing, but with ruler inserted for scale.

Q For those, the abrasion to his right hip again, you can't say what caused that?

A No, I cannot.

Q Can you even say if that happened during the same time he sustained the other injury?

A No, I cannot.

Q Okay.

A 111. There is an abrasion here to this upper right chest, that's what I'm focusing on here.

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112. This is the abrasion here in the upper right chest right there and that bullet hole from the upper right chest from earlier.

113. Same picture up, but insertion of the ruler for scale of that abrasion on the upper right chest.

This is 114. This is where I'm trying to focus in on his lip. I told you he had some abrasions on the inner portion of his lip.

Q Can you tell what caused the abrasions on the inner portions of his lips?

A Not specifically.

Q Would it be consistent with some, with an impact like involving his teeth or dental work?

A That's possible.

That's a close-up here showing these defects or abrasions or shallow lacerations, whatever you want to call it, here on the left.

Q Let me just ask the possibilities here. Those injuries to the insides, they are injuries on the inside of his mount?

A Correct.

Q Correct?

A Correct.

Q Could it be caused by getting punched in

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the mouth?

A Possible.

Q Could it be caused by someone falling on their face on pavement?

A It is possible.

Q You have no way of knowing how that happened?

A I do not.

116. Showing the same thing, but with the ruler for scale. I'm getting to the point.

Q Let me ask you some other things here. Regarding his face, was there any injury to his teeth, any chipped or broken teeth or anything?

A No.

Q Did you notice on his face, other than the injuries to the wound that you've described, were there any contusions?

A No contusions.

Q Contusions, again, is like a bruise. Note any swelling to the face, other than what was associated with the wound you talked about?

A Correct.

Q And then I'm going to ask you specifically about his neck. I am going to show you Image 111, which we already talked about. So this is an image

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of, he's on his back on the table, correct?
A Correct.
Q And --
A His head is here, his feet is here.
Q His head is the lower right -- left-hand portion. This defect right here, that's an exit wound in the jaw, correct?
A Correct.
Q And these are the chest wounds you've talked about?
A That's one of the abrasions next to it.
Q So his chin is up a bit; is that right?
A Correct.
Q You can fully see his neck in that picture?
A Correct.
Q Did you notice anything when you examined his body, was there any bruising of his neck?
A No.
Q Any abrasions on his neck?
A No.
Q Have you ever seen an injury, and injury to a person who has been choked?
A Yes.
Q Okay. Can you describe someone who has

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been choked?

A Well, I would like to clarify for me. Strangulation is a better term, choking is different.

Q Choking is like I got something, I swallowed something wrong or whatever?

A Right, right.

Q So you are right, so you've seen someone who has been strangled?

A Correct.

Q What kind of injury would you see on someone who has been strangled?

A Externally you may see abrasions from, you know, people have nails or whatnot and the rough nature of the event, you can create abrasions on the outside of the neck. You don't always see them, but you can.

Then once you open the neck, when I do a dissection of the neck, you have multiple layers of soft tissue as well as muscle.

If enough force is applied there, you can see hemorrhaging within the soft tissues of the neck and then also you have a bunch of structure within your neck called the hyoid bone can be fracture or injured. And in a strangulation, those

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are some of the things I look for in the neck and situations where someone has been strangled or has an injury to the neck.

Q In this case you found no injuries to his neck, correct?

A Correct, correct.

Q And I know when we are talking, when I say strangulation, I think of that as being like someone who is a cause of death, they are dead from strangulation, but people can be strangled, but then survive, correct?

A Correct.

Q And in some occasions, will you notice bruising to the neck?

A Correct.

Q And then, obviously, you're not going to cut a living person open to look at the tissue inside?

A Right.

Q But someone who has been grasped very tightly around the neck, you might see bruising?

A Correct.

Q Okay. One more thing about, and at some point, the police department, the police officers, they fingerprint the deceased; is that correct?

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A Correct.
Q And that's just standard protocol, correct?
A Correct.
Q Now, do you ever observe in your autopsies, do the police ever dust the body for prints?
A I haven't specifically seen that unless there is a question or certain circumstance for it to happen. It is not part of routine procedure, I guess that's what I'm trying to say.
Q I guess you've never seen someone, a police officer try to lift a latent fingerprint off of the skin of a deceased person?
A I have not, no.
Q Have you ever heard of that being done?
A Not specifically, no.
(Deposition Exhibit Number 8 marked for identification.)
Q (By Ms. Alizadeh) Okay. So another thing so we can possibly, I don't want to shortcut anything. I'm going to hand you Grand Jury Exit Number 8.
For the record, this is a CD. Did you bring that to me at my requests?

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A Yes, I did.
Q Okay. And that CD contains a number of photographs and some x-rays; is that correct?
A That is correct.
Q Have you looked at the photographs and x-rays that are on that disc?
A Yes, I have.
Q Now, the photographs that are on those discs, on that discs, were taken by who?
A Um, by the autopsy morgue assistant

Q So those are not police photographs?
A No, they are not.
Q And so those photographs are taken for a different purpose?
A It is more for just kind of documentation of the body, just getting a general overall of what we are seeing for lack of a better word.
Q And some of those photographs that are on that disc are after the autopsy is completed and body has been closed up.
In this case you removed the top of his head and eventually that's been closed up, correct?
A Correct.

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Q And have you seen those photographs on there?

A Yes, I have seen the photos.

Q And then the x-rays that are contained on those discs, are those the x-rays that you took and examined in relation to the injuries that you've testified to as far as when you can see a projectile and so forth?

A Correct.

MS. ALIZADEH: Is there anyone here who wants me to put on, to go through these xx rays with you? Anybody have any questions about that? We can put them in the player right now and bring up, how many x-rays are there?

A I don't know, 42.

MS. ALIZADEH: The disc says how many photographs and how many x-rays.

Q (By Ms. Alizadeh) How many photographs?

A Photographs 39.

MS. ALIZADEH: Is there anyone who has a desire, if we can't do it today, we'll bring him back after his vacation and go through these. Is there anyone who wants to see these x-rays now, or have any questions about a particular injury or bullet that he might be able to see in an x-ray?

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Okay.

MS. WHIRLEY: Just for the record, it is about 5:00.

Q (By Ms. Alizadeh) I'm trying to finish up. I know Dr. is on vacation for a couple of weeks. I want to get as much as we can. If we have to bring you back, we'll worry about that later.

And then, so now the rest of his testimony about his autopsy is going to be about him cutting into the body and examining each organ.

Let me ask you, Dr. did you find anything other than the injuries that you talked about to the lung and to the tissue and to the brain, was there anything remarkable about any of his organs?

A No.

Q There wasn't any heart disease?

A No.

Q No ulcers of the stomach or anything like that?

A No.

Q And you are cutting and retrieval of the projectiles that's all documented in these photographs; is that correct?

A Correct.

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MS. ALIZADEH: Is there anyone here who wants right now to go through those photographs, or have any particular question about them?

All right. They are going to be here, they are part of the exhibit and they are something that you can examine at a later time. And if at all, there is a question later on down the road, specifically about something, that I didn't have him actually testify about, we will bring him back and have him testify again. Yes.

The photographs that we are talking about, they are from the same string timeframe and same situation that we've seen up to this point, correct?

MS. ALIZADEH: Yes, they are also photographs that are taken by a police officer during the autopsy and so, for example, Dr. when you are retrieving a projectile, you have to cut into the body. In this case you did, and that is actually photographed that you have cut into the body and in some of these photographs you can see the projectile laying in the tissue of the body.

A Correct.

Q (By Ms. Alizadeh) And then in some of

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these photographs the projectile is removed from the body and sitting on a paper towel, photographed after it is removed?

A Correct.

Q But these are all photographs that are taken that day during your autopsy?

A Yes.

Q And in conclusion for today, were you able to determine within a reasonable degree of medical certainty the cause of death of Michael Brown?

A Yes, gunshot wound to the head and chest.

Q Were you able to determine within a reasonable degree of medical certainty the manner of death of Michael Brown?

A The manner of death is homicide.

Q So that would be homicide as opposed to a suicide or accidental or anything like that?

A Correct.

Q Homicide just means at the hands of another, it doesn't indicate there is any kind of criminal liability, that is a term that's used in forensic pathology, correct?

A Correct.

MS. ALIZADEH: Anybody have any other questions about the autopsy or what he did in the

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autopsy?

Let me look at my notes real quick.

: . Can you tell me how many exit wounds there were?

A I'd say three.

: How many entrance wounds?

A I don't include the graze wound as one of these things that is in between say 1, 2, 3, 4, 5, 6.

And two graze wounds?

A That's 8.

Thank you.

Q (By Ms. Alizadeh) And those again, those wounds, each of them is documented in your post-mortem examination report that I provided copies to the jurors and also is there any way that, do you have any opinion as to the order in which these gunshots were, these wounds were sustained on Michael Brown's body?

A From what I do, the investigation is ongoing. There is things I'm privilege to. There is things I do know and things that can be shared with you later as the process goes on.

In my opinion in terms of what I can say the wound to the hand has to occur at a time

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when Michael Brown is close enough to the officer for that to have happened. So depending on the circumstances that you guys hear from what I know, there is a point in time where they are in close approximation to each other at the vehicle.

In my opinion I feel that's the closest they are for it to happen from the circumstances that I know that that injury occurred. So that has to be early on in the event. In terms of the end of the event, the wound to the top of the head is going to be the last wound that he is going to receive.

So in terms of the beginning part with the thumb wound and the part at the end, those two I can feel good about saying that I know when those happened, but the ones in between, it is to difficult to say.

Q And given the entrance and exits of the wounds that you've described, and I know that we've said there is no entrance wounds on his back?

A Correct.

Q Or on his buttocks?

A Correct.

Q Or on the back of the his legs?

A Correct.

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Q No bullet wounds on his legs at all?
A Correct.
Q And then there is some wounds to the anterior portion of his torso?
A Correct.
Q And then the wounds to his arms are kind of like all over the joint, right?
A Right.
Q Any way of telling what position that body was in when those wounds were sustained?
A No.
Q Given that they're arms, it just depends on where his arms were?
A Correct.
Q And in relation to where the gun was?
A Correct. But I can say to sustain wounds to the chest, the chest is fixed, those with the arms it can be in a number of positions.
MS. ALIZADEH: I don't have any other questions. Does anybody else have anything they want to cover today?
: Just one. He did have an entrance wound to the back of his --
A Anatomical correction, the anatomical position, the dorsal on the back side, posterior

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portion of that right forearm there is a wound there.

Q (By Ms. Alizadeh) So if someone in this position and it is a gunshot wound, the gun could have been fired from behind them?

A Correct.

Q Someone in this position, the gunshot come from the front of them, correct?

A Correct.

Q Or in this position, or in this position?

A Correct.

Q It is difficult to say, correct, or impossible to say?

A Correct.

: The reason that you are saying most likely the last is because the wounds to the chest and the wounds to the arm he would of had to be somewhat upright to have those somewhat?

A What's more of an issue he could still be mobile, he could be moving around, once he got this, he's going to be unconscious.

: He's going to be down and there is no way to get to his chest if he were down.

A Right, that is true.

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MS. ALIZADEH: Anybody else?

: . The police officer that was there present with you as you were doing your examine.

A There were three there.

There were three there?

A Which one?

The one who takes the photos.

A There were two kind of crime scene officers and then there was a detective.

Okay.

A But one guy was taking pictures.

: As you are doing your exam, like you said before, you are speaking, right, you are talking while you are doing your examine?

A What do you mean?

Are you speaking while you are --

Transcribing.

A I do it after I finish the autopsy.

Oh, okay. So there is no talking, you are just taking pictures?

A It is just pictures, I'm directing them saying what I want them to take pictures of.

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: Oh, okay.

A As I am going through the autopsy, I want pictures of this, I need a picture of this, this is important I think, I need that, that's the extent of the talking. I'm not, the generation of this report, this is happening once I complete everything, I go back to my office with all of my notes and then I do this on my Dictaphone after everything is done.

They were there also, they were present also when the x-rays were going on?

A X-rays, no, they came, once you saw that picture when he's out of the bag, he has his clothes on and the placard, that's when they were showing up and that's when it started. The x-rays are done before, the process of the body being processed for me to do my examination, that's happening.

: Okay.

Q (By Ms. Alizadeh) And, in fact, some of the x-rays, the x-rays are done with his clothing on, correct?

A Correct.

Q And like in some x-rays you can see the belt buckle on his pants and so forth?

A Correct.

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Q The zipper of his pants, I can't remember?
A The clothes are on.
Q X-rays are done before the clothes are removed and you begin the examination, correct?
A Correct.
. I think this might be the last question. So in essence, while you are doing your examine and you have the onlookers or the people that watch, they take the photographs, no one actually knows what you are going to put into your report until your report is done, is that correct?
A Right.
Thank you.
Q (By Ms. Alizadeh) Just then for the record, I know this, your report was done in, I would say in my experience with the Medical Examiner's Office, in a little speeder fashion, sometimes it takes six weeks for me to get your --
A And even longer.
Q And in this case there was, there was a directive that this was going to be a priority?
A Right.
Q This was to be done?
A Correct.

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Q Did you feel that you didn't have sufficient time to complete your report at all?

A No, I felt in terms of the adequacy of my report, I was done with it, the only thing that I wasn't finished with when I was told that I needed to finish the report was the histological section of tissue, that takes awhile for that to be processed. It can take four weeks sometimes, but I had to speed that along too.

So I had to finish the bulk of the report, and then if you look at my last statement. I comment at the time, the histology examination will be issued as a supplemental report.

That portion I was not able to include at the time of this. So this, until the histology, which I testified to you guys about this happened after I did this, so that's an additional important information which helped me understand better that gunshot wound to the hand.

At this time, I was suspicious of it being a close range wound until histology came through, I couldn't definitively say. So in my report I say, hey, I see these, I see these discolorations, I have to my histology to confirm.

So now I'm testifying I got that

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back, I can now say that wound is a close range wound so, but outside of the rest of everything else, everything was just fine.

Q So, Dr. you had a supplement where you talked about the examination of that tissue?

A Yes, I issued that is supplemental report.

Q Is that completed yet?

A That is not completed.

Q Okay. When that is completed, would you provide that to me as soon as it is done?

A Yes, I will.

Q And so I just want to make clear, this was done in a speedy manner, was there anything about this that you felt that if you had more time or were given, you know, more time to write your report, that it would be a better report or more accurate?

A No.

Q Did you just put everything else on the back burner and you did this first, is that how that happened?

A No, I'm kind of multitasking.

Q Okay.

A I made sure I got it done.

Q So is there a date on your report, the

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date that it was completed?
A It just says a start time.
Q Do you sign it and date it?
A No, I just sign it. I do know, was that Friday, whatever that.
Q So the shooting happened a Saturday.
A I want to say that Friday I was done with it.
Q Okay.
A I signed it that day. And then I gave it to the officer, Monday an officer came and picked up my report, which would have been what, the 18th of that month.
Q Until the officer picked up that report, you did not discuss this with any police officers what your findings were?
A No, no one. The only people who were privy to what I was seeing, what I was dealing with were the officers who were in the autopsy with me, that's it.
Q But as far as like them knowing what the gunshot entrance and exit is --
A No.
Q -- you didn't explain any of that to them?
A No.

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: It talks on the last page here about fingernail clippers and scrapings?

A Yes.

: Is that in your report or is that done by someone else?

A That is someone else. The lab is going to be responsible for processing that, I just procure the items and I pass it to St. Louis County Police Department as evidence and just take it to the lab, which process it.

MS. ALIZADEH: Anyone else?

Sheila, do you have any questions?

MS. WHIRLEY: I think we are probably all questioned out.

MS. ALIZADEH: It has been a long day and thank you for being patient. I don't want anybody to feel like I'm trying to leave something out here, we are not rushing you in any way.

A I'm fine. If you got a question, feel free. I'm not upset. I'm glad I had the opportunity.

MS. ALIZADEH: All I'm saying the photos are here and available. I just, I know from being a layman myself, I can look at these and, you know,

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but, you know, he can explain them if you want him to. If you later look at them, but he has already testified about what he found and where he found them. So I didn't feel it would be a good use of your time to go through each of the photographs right now, but they are here for you to examine, okay. This will conclude the testimony for today.

(End of the hearing for September 9, 2014.)

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State of Missouri
SS.
County of St. Louis

I, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to

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and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

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COURT MEMO

State of Missouri vs. Darren Wilson

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DEPOSITION OF Grand Jury

9/9/2014
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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 10, 2014

VOLUME IV

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IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI,

vs.

DARREN WILSON,

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 10th day of September, 2014, before

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APPEARANCES OF COUNSEL:

FOR THE STATE:

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GRAND JURY HEARING

MS. WHIRLEY: Good morning. Present is Shirley Whirley, Kathi Alizadeh, the 12 jurors and the court reporter. This is September the 10th, 2014. This morning we are going to start out by watching a series of video clips that depict Dorian Johnson discussing what he saw as an eyewitness in this case.

As you recall, Dorian Johnson was the person who was with Mike Brown at the time of the shooting.

There is approximately six video clips that you will see. And once you see those videos, then we'll also provide you with a transcript and an interview. I think it is approximately two hours and 13 minutes, something like that, interview that Dorian Johnson gave to the FBI, and St. Louis County Police were also present. So you will hear his statement to them.

And then after that, we'll likely break for lunch and when we resume in the afternoon, we anticipate that Dorian Johnson will testify.

So with that bit of an introduction, Kathi Alizadeh is operating the laptop to get us started.

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And I think we are projecting, correct?

MS. ALIZADEH: Just for explanation.

MS. WHIRLEY: This is audio.

MS. ALIZADEH: No, these are video.

MS. WHIRLEY: Okay.

MS. ALIZADEH: These are videos that were on news outlets and some of them, some of these clips contain other statements from other people, comments reporters have made about the incident. And as much as possible, I want to exclude those.

So it will take me a second, I have my notes where we are starting and stopping on these and it will take me a second on each clip to get to that point. And then we will start it and you will see that clip.

The only time you will hear from a reporter is when they're asking questions of Dorian Johnson, obviously, to understand his statement, you need to hear the questions.

So as much as I can, I'm going to get to wherever I need to get. I'm hoping that when I hit this, we are going to see it and hear it.

(Grand Jury Exhibit Number 9 marked for identification.)

MS. ALIZADEH: This is what I've marked,

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it is a disc, it is marked Grand Jury 9. I didn't stay last night to look at my exhibits, I'm hoping that's the next number.

This is a disc that contains video clips of interviews of Dorian Johnson and the first clip is on KTVI. The date of the interview is 8/9/14 and I'm starting this clip at one minute and seven seconds into the clip, and I am going to stop it at one minute and 20 seconds into the clip. None of these are terribly long. They are news clips.

(We have a pause.)

MS. ALIZADEH: Just for the record, we had a brief break because we were having difficulty with the audio. I think we have that resolved. So once again, and actually now this is starting at 106 and I will try to stop it at 120.

(Playing the video at this time)

MS. ALIZADEH: So I stopped that at 120. Is there anybody that needs to see that again and hear that again?

: Yeah, I need to see it again. It looks like the volume was up kind of loud, I can't pick up what he's saying. If you would put that at like half.

(Playing the video clip.)

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MS. ALIZADEH: Anybody else need to hear it again?

So the next is a clip from CNN. The date is August 12th of 2014. I'm starting the recording at 19 seconds into the clip and I will end it at six minutes and six seconds into the clip.

(Playing the clip.)

MS. ALIZADEH: Does anybody want to hear that again? The next clip is KSDK on August 12th of this year, 2014. I'm playing starting at actually 29 seconds and I will stop it at two minutes and 40 seconds.

(Playing the clip.)

MS. ALIZADEH: Anybody want to hear that clip again?

Miss Kathi, what date was the second video?

MS. ALIZADEH: Second video was on the 12th.

: That was the 12th.

MS. ALIZADEH: So the next video is MSNBC, it is also on August 12th of this year. I'm going to start it at 27 seconds and it goes to a minute 47 seconds. And actually, immediately after this clip is another MSNBC clip that is a continuation of that

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interview you will see a little overlap, but this interview sounds like it kind of gets cut off, but then on the next clip it continues.

(Video clip is being played.)

MS. ALIZADEH: Anybody want to see that part again?

So again, the next clip is also MSNBC and it is a continuation of the same show or program. I'm going to start it at the beginning of this clip. So zero seconds and it runs until nine minutes and 21 seconds and then continues onto the next clip as well.

(Video clip being played.)

MS. ALIZADEH: Does anybody want to see that again? It continues onto the next clip.

(Video clip is being played.)

MS. ALIZADEH: So I'm continuing the next clip. You can see it started with the last question that he asked on the previous clip, so this next clip will go from zero to 24 seconds. And this is also again it is MSNBC on August 12th.

(Video clip is being played.)

MS. ALIZADEH: I actually stopped it at 29 seconds accidently, asleep at the switch.

Anybody want so see that brief clip again?

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And then this is the last clip. This is KSDK also on the 13th, I'm sorry, it was aired on the 13th. I think what you will see is that this is a part of an interview that was done, and you actually saw a part of the same interview in the third clip I played, which was aired on the 12th.

So I believe this interview occurred on the 12th, not the 13th, but this, but this aired on the 13th. So it is 33 seconds.

I'm going stop it a two minutes and 40 seconds.

(Video clip is being played at this time.)

MS. ALIZADEH: Okay. So that is the last clip on Grand Jury Exhibit Number 9. Does anybody want to see that again or any other clips?

And again, this is available to you at any time, you know, during this investigation. You want to hear it or see it again, we'll make sure you have the opportunity to do that.

MS. WHIRLEY: I'm going to go get the transcripts.

MS. ALIZADEH: She was going to bring them into when they were done.

(Recess)

MS. WHIRLEY: We're back on the record.

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It is approximately what, 9:45 or so.

Right now we're going to play the recorded interview of Dorian Johnson which occurred on August the 13th, 2014. An interview he had with the, an agent from the Federal Bureau of Investigation and also a detective from St. Louis County.

This interview is approximately two hours and 13 minutes long. We provided you with transcripts of the interview. You can write on these transcripts if you wish.

Kathi, did you have something else you want to say about that?

MS. ALIZADEH: At any time, you know, we discussed this during the break that if, since this is over two hours long, if anybody needs to take a break in the middle of it, let me know, I will try to find a place where it is kind of a pause to stop.

And there was a question during the break by one of the jurors about whether you can ask witnesses questions when they testify. And I know you have been so far, but of course, that's true of any witness.

We don't have a witness right now, this is just obviously the audio interview, but any time a witness is before you and been sworn in, you may

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inquire of anything that you think is relevant and we want you to.

Sheila and I will ask questions of witnesses as we have been going on. If at any time you want to inquire, anything is relevant. There is no, there is no objections to questions and we would have in a courtroom or anything of that nature, okay.

(Grand Jury Exhibit Number 10 marked for identification.)

MS. ALIZADEH: So with that being said, I'm going to play Grand Jury Exhibit 10, which is a DVD and it is an audio recording, and for the record, this DVD contains a number of interviews of other witnesses. And so for the record, I'm going to be playing the interview of Dorian Johnson and Sheila said the transcript of that interview is given to you.

(Interview is being played at this time.)

MS. ALIZADEH: Anybody want to take a break right now or keep going?

It is 11:17, let's take about a five minute or so break and stand up and move around a little bit.

(Recess)

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MS. ALIZADEH: It is 11:24 and I'm going to resume the playing of the interview of Dorian Johnson.

(The interview is being played.)

(End of the playing of the interview of Mr. Johnson.)

MS. ALIZADEH: It is 12:13, I think your lunch is going to be here at 12:30. What I would propose we do because this is not going to take very long at all is that I have what I've marked as Grand Jury Exhibit 11.

(Grand Jury Exhibit Number 11 marked for identification.)

MS. ALIZADEH: Which is another disc or DVD and it contains video from the Ferguson Market, the incident you heard Dorian Johnson talk about. They went in, got the Cigarillos and left the store. They are pretty brief clips. You want to watch them now since we have 15 minutes and then I thought during lunch, you also heard during his interview that he was drawing on some maps and we have copies of those maps. And also he made a drawing I can't find it in my office right now, I think Sheila might have one.

I thought while you are eating lunch, you

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can pass around those maps and look at them as you are relaxing if you want to. This will only take a couple minutes. You all right with me playing this now?

So for the record a DVD, that on the DVD itself it says 14-43984, and it says video segments.

There is no audio with this disc.

(Video is being played at this time.)

MS. ALIZADEH: Now, for the record that was called register snippet and that was a view of where the cash register is and the counter is.

So this next snippet, it is called door snippet. It is at the door of the food store, the convenience store.

(Playing of the video clip.)

MS. ALIZADEH: Would anybody like to see those snippets again? And of course, you can watch them at any other time you wish.

. Can we ask you a question, both, either one of you a question about maybe we'll find out more later, but how this pertains or relates to the knowledge that maybe Officer Wilson would of had at the time?

MS. ALIZADEH: You will hear some evidence about that.

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Okay.

MS. ALIZADEH: There will be, we have a lot of witnesses to call still.

: Okay.

MS. ALIZADEH: A lot of these things, it is difficult for us to, if we were in a trial, you try to put things on in order that people can make sense of it. But in a trial you make an opening statement so you can outline for the jury what the evidence is going to be.

But we are not doing that here, and so you all understand you are hearing things and not knowing what's left to come.

There will be, I believe, other witnesses who talk about that, so we'll just have to wait and see how that testimony comes in.

: Will we hear testimony any of witnesses inside the store to the events that happened in the store?

MS. ALIZADEH: Possibly. Sheila and I have not made out our list. Our intention is to call as many people as we can. Some people may not be cooperative. We will serve subpoenas on people who don't voluntarily agree to come in.

I don't know how else to explain that

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other than we are going to have as many people as we can, that we think know anything about this coming in and testifying. So there will be many, many witnesses to come, all right?

So at this time it is 12:23, if you all will just break for lunch and your lunch will be here in less than ten minutes. And the plan right now is shortly after 1:00, we'll give you an update of when we might start up in the afternoon.

(Recess)

MS. WHIRLEY: So present is Sheila Whirley, Kathi Alizadeh, Dorian Johnston is our witness. We have 12 grand jurors and the court reporter.

Dorian Johnson, I said your name, I generally ask --

MS. ALIZADEH: Sheila, he needs to be sworn in.

MS. WHIRLEY: Thank you.

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DORIAN JOHNSON,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

MS. WHIRLEY: Thank you.

BY MS. WHIRLEY:

Q So introduce yourself to the grand jurors?

A Good afternoon everybody. My name is Dorian Johnson, as you all well know. I'm thankful that you all could come, part of your busy schedule, I don't know if you all have anything else to do, I'm thankful you can come and hear my story.

Q Thank you. Now, Dorian, I stand in the back of the room. I do that so that we can have a conversation and you will talk loud enough for even me to hear you. These mikes that you see, they are just recording, they're not really making your voice louder, so speak up for me, okay? We have a lot of fans in here to try to keep the room a little bit cooler.

A Okay, yes, ma'am.

Q Okay, good, that's better. Now, you came

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here on your own free will; is that correct?
A Correct, yes.
Q You do have an attorney, your attorney is Freeman Bosley?
A That's correct also.
Q And he's outside sitting, he cannot be a part of the testimony, he cannot be in here while you testify, but he's outside and you know that if you ever want to take a break and consult with him, or talk to him, you have a right to do that.
A Oh, okay.
Q Do you understand?
A Yes, ma'am.
Q Your mother came too, as a matter of fact?
A Oh, yes, she's here with me also.
Q And she's in the TV room right now. We made her comfortable sitting in the TV room.
Now, we told you that you are not a focus of any criminal charges, right?
A Yes.
Q That we just want to hear from you being the person that was with Michael Brown that day, in your own words, what happened, that's what we are here for. We are not here to prosecute you. You may tell us some things that have to do with

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criminal behavior. I know there is an incident at the store, at the Ferguson Market. We will play that video and ask you to tell us what's going on there.

There is some talk about smoking weed and those kind of things, but that's not anything that we are here to prosecute you for. I want to make that clear on the record, okay?

A Yes, ma'am.

Q Because we want you to feel free and comfortable to tell us only the truth here, that's what we are trying to do. This is a fact finding mission, okay?

A Yes, ma'am.

Q All right. So with that said, let's talk about you knew Mike Brown, right? You call him Big Mike?

A I'm going to ask if I can refer to him as Big Mike, that's the way it sounds funny saying if it is okay with the jury.

Q Absolutely, I will call him Big Mike too if you don't mind.

A Thank you.

Q So you were good friends with Big Mike?

A We were good friends, but not childhood

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friends.

Q So tell us how you met Big Mike?

A I met Big Mike, I recently had, well, not recently, but I just moved in those apartments, I had me and my girlfriend, my daughter, we were staying in the apartment, two bedroom apartment, I had a roommate. I just moved over there.

I only been staying in those apartments for about eight months. I met Big Mike around the fifth month that I was living there. I met him through a friend that I know from the area, neighborhood down the street where he lived.

Q Okay.

A So when he introduced Big Mike, they came to my apartment one day, they want to play video games, you know, relax and have conversation. And I didn't have a problem with that.

So they came over, and when he came to my door, he was real quiet when he came in, you know, he was the biggest person in the room. So it struck me as kind of strange, I don't really be around people that I don't know. So I asked him a question, I was like, hey, how you doing. I live here, this is my house.

And he spoke back to me, he said I'm

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all right, you know. And he just kind of kept it to hisself. I felt that he was good, he was just a person that didn't speak a lot. So he was all right with me to be in my house.

Q Did you socialize with him on a regular basis after that or how often would you say you was in his presence?

A Like I said, it was my apartment, so you know, I had bills and things like that. I was working at the time of me first moving into the apartments. I recently lost my job around the sixth month, I met him in the fifth month, so now I'm on the verge of finding new work and finding a way to pay the bills. So I was not able to connect with him on a daily basis or even every other day because I'm trying to find work.

Q And what was your address at the time that you met him?

A

Q And did he live in that same apartment complex?

A No, he did not. He stayed in an apartment complex behind, there is another one called Northwinds and it was right behind Canfield. When I met him, the time that I met him.

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Q When you met him. And on August the 9th at the time of the shooting, was he living in Northwinds.

A No, at that time he had recently moved out of his grandmother's house. He was staying with a friend that I knew in Canfield across the parking lot.

Q Okay. All right. So when you first met him, he was living with his grandmother in Northwinds?

A Correct, yes, ma'am.

Q And so after you met him, so you had known him before the shooting probably a couple of months, two to three months?

A Yes, maybe a month or two.

Q A month or two?

A A month or two.

Q But you really didn't hang out with him?

A No, ma'am, not on a daily basis.

Q You were a few years older?

A Yeah.

Q He was 18 you were 22?

A 22, yes, ma'am.

Q But you liked him?

A Right, he was a real comfortable guy. I

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didn't feel a threat from him to where I could, you know, I could let him around my family, my daughter and my girlfriend and let him into my home. He was that comfortable around me that I could, you know, I could trust that he wouldn't bring harm to me and anybody around me.

Q He had been to your home before?

A Yes, ma'am, once.

Q And he knew your girlfriend?

A I had introduced him to each other, I introduce anybody that comes over to my girlfriend and let them know we live here as a family, not as she's visiting, you know, she is with me.

Q Okay. Had you ever been to his grandmother's house?

A One time, but I never met anyone in his family. At that time I think his grandmother was real strict on who she let inside her home. So at that time I didn't know them that well, so he was telling me that you should come around more, my granny, she will like you, you will be able to come in.

And at that time I really wasn't, you know, into, I didn't have the time for it, like I said because like I said, I was still on the verge

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of looking for new work.

Q I guess it is fair to say you guys really didn't hang out much, he was somebody that you was comfortable with?

A Correct, that's exactly.

Q Okay. So we're going to be talking a lot about August the 9th, you realize that?

A Yes, ma'am.

Q This is the day of the shooting. Tell us how your day began, August the 9th?

A August the 9th, it began like any other day. I start my morning, I wake up, I take a shower, and I ask my girl does she like breakfast, what would she like for breakfast. I head out to go get it. Upon getting breakfast I get me some Cigarillos. I smoke marijuana in my mornings when I start my day off, so I was going headed to the store.

Q Now wait a minute, just stop here to now and then to make sure we are all clear. So that is kind of what generally happens for you in the morning?

A In the morning, yes.

Q On August the 9th, you got up, was it around seven something?

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A Around 7:00 that morning.

Q 7:00. Did you smoke marijuana that morning?

A I didn't actually get a chance to smoke, I was going to get some Cigarillos because I didn't have any, and there was a guy in the complex who sold them.

Q Who sold the Cigarillos?

A Yes, he sold the Cigarillos, so I didn't initially have to go to the stores.

Q I was going to ask you, was the market open at seven or not?

A It is.

Q Did you get Cigarillos from another guy that morning?

A No, I actually did not.

Q Tell us what happened after you got up?

A When I got up and got dressed up or whatnot, I leave out my front door coming down my balcony, I stay on the third floor. I come down my balcony, around my building. I see Big Mike across the parking lot, the apartment complex is set up in the drive through areas, once you come out to it, you can see right across, there is nothing blocking it.

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I saw him at 7:00 in the morning, he was helping someone put some kids in the car, he was putting some kids in the car for his auntie, I believe it was.

Q Okay. And what, did you go over to where he was or did he come to you?

A Yeah, just coincidently the guy who I was going to is like a path is passing up the building where he is living in now. So I was going to pass the building whether he was outside or not, just coincidentally he was outside and he was alone at the time.

He said the friend that I knew that he was staying with, the one that I knew, he was upstairs asleep.

Q What was that friend's name?

A His name was

Q Okay. So you didn't interact with at that time?

A Not at all.

Q And so how did you and Mike, based on information I've heard, you guys kind of hooked up at that point, that morning?

A Yeah, when I saw him, like I said, we wasn't real childhood friends, but he was cool

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enough to me if I saw him I would stop and speak to him.

So I stopped and spoke to him. He asked me where I was headed to. I told him, I was going to get some rillos and get something to eat for me and my girl, I'm headed back to the house. He was like okay, well, I'll match you. I guess he had his own weed, so he said he would match me one. Matching is, if you don't know, is just someone I will roll the weed, he will roll the blunt, we both exchange blunts.

Q In matching does that mean that one person has the weed and one person has the rillos?

A One person has their weed and rillos, the other person has his weed and rillos and they smoke together, it is just smoking together basically.

Q So he said he would match you?

A Correct.

Q And then what happened?

A He stopped and talked to some construction workers. There was two construction workers that was doing work on the bottom floor at the time of his building. They was doing work on my building also, but they was doing work at his building and he had stopped and said something to them. I really

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didn't hear, but I notice that the construction worker, he stopped working and he didn't have like a frown on his face, so much as he was being, you know, back and forth complying. They was having a nice little conversation, but it wasn't that long for about one are two minutes.

Q So you could not hear what they were saying?

A No, I couldn't hear what they were saying. I wasn't really focusing on their conversation because, you know, it didn't have anything to do with me. I had my mission that I was going to do, so I guess, you know, at the time I didn't really think the construction worker would say anything, you know, it is the general neighborhood I live in.

Q Had you all smoked, matched and smoked yet?

A Not yet, no.

Q Not yet?

A No.

Q You said there was a person in the complex that actually sold the rillos?

A Yes.

Q Is that where you were headed?

A That's where I was headed, yes.

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Q But that changed?

A Yes, it changed.

Q Tell us how?

A It changed. We started talking, our conversation was about sports, he was into clothes and fashion, our conversation was drifting from topic to topic, but really based on sports, design, girls or what our future plans was.

He was just telling me he was about to go off to school or go to school. I was telling him about my past experience in school. I was in school before Lincoln University, when I graduated high school, I went straight to school. So I was telling him some challenges that he was going to face, even though he wasn't at a university, he was going to face some challenges. Basically our conversation was about future, future emphasis.

Q Okay.

A It kind of took my mind off of going to the person in the complex because he didn't know the guy that I was going to. Big Mike, he didn't know the guy I was going to get the rillos from. When I told him I was going to get Cigarillos, he was like, I need one too. Let's walk to the store.

By that time the conversation was so

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deep that I forgot that there was a person there that I was going to, so we ended up just walking to the store.

Q Any idea, I know timing is difficult, but if you started out at seven-ish in the morning, any idea how long, how much time went by before you got to the market?

A Before we got to the market, I mean, it wasn't really an hour, it wasn't that long, but our conversation because he had to go, I asked him could he go check on my friend that I knew ask him if he wanted to walk to the store with us. He said, yeah, he went up to go check on him. When he came back down, he told me that he was really sleepy, he didn't feel like it, he wanted to sleep in that morning.

So that's basically what 30 minutes, I'm not real pressed on time, but it could have been more than an hour before we started walking.

Q So from the time you left Canfield Green and then you saw Mike, Big Mike talked to the construction worker, you all talked some more and then you walked to the market?

A Correct.

Q Okay. Did you go get anything to eat

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first or you went to the market first?

A No, we went straight to the market.

Q Market, okay. So tell us about the market, what happened at the market?

A At the market, now, prior to walking to the store, never came up that he didn't have any money. I had money, I had money in my pocket. It never came up he didn't have any money or what we were going to do in the store because we already knew we was going to purchase Cigarillos, in my mind that's what we were going to do.

It didn't strike me, I never thought that he didn't have any money because like I said, when I did see him the times that I see him, he dressed nice and next generation clothing, so it is kind of pricier, so I figure that he had money.

Q Okay.

A When we got to the store, while we're in the store, Big Mike talks to the store clerk faced eye-to-eye, face-to-face. I'm standing right behind Big Mike.

Q Is it a female or male store clerk?

A It is a male store clerk that he's talking to. I also see the female store clerk, she's at her register and she is just looking at us.

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Q But he is talking to the male store clerk?
A Yes, he is talking to the male store clerk.
Q Go ahead.
A As he is talking to the male store clerk, the male store clerk ask him what does he want. Big Mike says in a very not, you know, threatening voice he just said, and while he was saying what he wanted, he said I want these box of Cigarillos. While he was saying it, he was leaning forward to grab them.
Q Okay.
A He leaned forward, but it wasn't a snatch and grab motion like he did it really quickly. He did it like, like he did it before I should say. Once he reached over the counter the first time, the store clerk, he was standing right in front of him, he never did anything, he didn't say anything, the first time, he didn't smack his hand down or anything like that.
That was the time that he pulled back and he handed the box, it was a box of mini Cigarillos, 69 cent Cigarillos. It was just a box of them. He turned around and handed those to me.
Q Okay.

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A Now, at this time I still didn't think that he was not going to pay for them because I have saw people purchase a lot of Cigarillos at one time, a large amount. It is not that much 30 or $40, you can buy you a box.

It wasn't until he went back the second time and grabbed a handful of the single Cigarillos. Now first he grabbed the box and the store clerk did nothing, this time he was going back to grab the single Cigarillos. As he was coming back, the store clerk did a late response and he swung at his hand, but he missed because he was so late, he smacked the counter.

Q The store clerk did?

A The store clerk did.

Q This is behind the counter that this is occurring, the store clerk is behind the counter?

A The store clerk is behind the counter, Big Mike never went behind the counter.

Q I see.

A He was standing in front of the register, I was standing right behind him, there was another male, he was inside the store, he had just purchased something. We were, the time where he snatched back and the store clerk missed, he kind of hit the top

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of some Cigarillos, which made some of them fall. And Big Mike turned to pick them up, and as he picked those up, he faced towards the door, that's when I knew okay, something is not right here.

I didn't see, from where I was standing, I didn't see money get transferred to the store clerk and that's why I sat the box of Cigarillos back on the counter. I've been to the store a lot of times.

Q Did the store clerk say anything or did Big Mike say anything to the store clerk when the store clerk swatted at his hand?

A At that time, no.

Q Nobody said anything?

A No one said, words were not exchanged at the time that I can hear.

Q Okay.

A Because I'm standing behind him, but I'm trying to gather up, am I being pranked or is this something. Because I didn't hang out with Big Mike on a day-to-day basis, I didn't know how well his relationship was to the store clerk, so I didn't know was, you know, did he do this all the time or anything like that, I didn't know. I was trying to gather that in my head at the time.

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Now, while all of this is going on, Big Mike is making his way towards the door. The store clerk had came around, now he came around his register and he's making his way to the door. He's not like running or anything like that, more a pace walking and when he got to the front door, he didn't get there yet because a man, like I said, there was another male customer in there at the time. He had just purchased something. As he's leaving out, he's kind of holding the door open like he's watching, but he's trying to get away at the same time, like he didn't have nothing to do with it, but he is watching. I see him holding the door open.

As he let the door close, Big Mike was almost at the door, so he was going to put his hand on the door to, you know, to push the door open.

By that time the store clerk had got around and he was almost in front of the door, he didn't get there right directly in front of the door so much as put his hand on the door.

Big Mike, Big Mike thrushed the door open to where the store clerk, it slipped out of his hand, so the door flew open. And at that time I was, I knew, I saw what was going on, but I didn't

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know it was going to happen that way. So I was trying to pull myself as far away from the initial contact with the store clerk as possible because I didn't know what was going on.

So at that time when he slung the door open, I was making my way, I was trying to get around Big Mike and the store clerk to exit the store because I didn't want any part of it, I knew there was cameras in the store.

When Big Mike tried to go out and thrush the door open and came out of the store clerk's hand. The store clerk then tried to grab Big Mike and Big Mike kind of reverses the grab and grab, like it was a very fast motion, but the store clerk never came off of neither one of his feet. He never fell on the floor or got punched or anything like that, it was a very fast motion, just a shove.

Q So when this grabbing is occurring, is Big Mike saying anything?

A At the time all he said was, get back.

Q Big Mike told him to get back?

A Big Mike told the store clerk to get back.

Q What about the store clerk, is he saying anything?

A He didn't say anything else, but the last

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time I heard the store clerk saying something, we were walking out of the store and I heard the store clerk say, I'm going to call the police.

Q And did Big Mike say anything in response to that?

A Just kept walking.

Q Okay. What did you guys do then, did you go and get something to eat?

A At that time eating and all of those other things that I had on my mind were left field. I had just witnessed something occur that I feel like if not, you know, I was there. So I walked in with him, I felt like I was an accomplice.

I was trying to figure it out in my head at the time we were leaving out of the store like, all right, I didn't know this was going to happen. I didn't touch anything, but I did see what just happened and I know there was a crime.

Q Did you all talk about it, did you and Big Mike talk about it?

A Yes.

Q What did you all say?

A I asked him, I looked at him, actually, looked at him for a while and stared at him because the times when I did meet him before that day, he

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didn't strike me as a person who would do anything like that. He never talked about any crimes or anything like that. And prior to that day, it shocked me a lot, it shocked me a lot. So I was asking him, I was like, you know hey, I don't do stuff like that. What's going on.

And so much is giving me an answer as to why he did it was he was basically laughing it off, be cool, be calm, stuff like that laughing it off but in my head I'm like, I can't be calm, I can't be cool because I know what just happened and we were on camera.

Q Did you talk to him about being on camera?

A I never said that, but I knew we were on camera.

Q Did he appear as if he had, was intoxicated or impaired in any way at that time?

A No, like I said, the conversation leading up to the store was a general conversation I would have with anybody any other day. There was nothing strange about the conversation. He didn't say any words that made me feel like you need to sit down or anything like that. Up until that point I thought he was mindful of everything that was going on at the time.

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Q So when you first encountered him or first made contact with him that morning, you said you all had never smoked together between the time you caught up with him to the time you went to the store?
A Yes.
Q Did he seem like he had some marijuana or something before you saw him that morning? Basically what you know of him?
A Yeah, based on what I saw of him that morning before we walked to the store, he didn't look like he smoked anything that morning or anything like that at that time.
Q Okay. So you guys are walking towards West Florissant?
A We are waking down West Florissant.
Q On West Florissant?
A Now we are walking down West Florissant, from Ferguson Market to Canfield is actually like, walking is like a four minute, five minute walk, especially when you are having a conversation talking, could be longer, could be shorter, but in that timeframe of walking to Canfield, I saw a police cruiser coming down, coming down West Florissant. It was a Ferguson cruiser, it was a

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truck.

At that time in my head I was like, wow, he called the police. They came really quickly, I knew that they would probably come quickly. I was just, wow, we're really going to get locked up, this is going to happen.

But when the police officer, you know, they passed us, the first car never stopped at the Ferguson Market. The first car stopped at McDonald's right next to the Ferguson Market and they kind of just sit on the lot. And that kind of struck me as odd. I was like, wow, maybe he didn't call the police at that time. Maybe he didn't call the police or they didn't get the dispatch call or anything like that because they drove past us and at no point in time, the shorts that I had on, I had on pajama shorts, I didn't have pockets on them.

I was not able to grab Cigarillos out of Big Mike's hand to put in my pocket, he had pockets. He did not put the Cigarillos in his pocket. The Cigarillos now he has them in both hands, now he is spreading them evenly apart and we are walking down plain sight West Florissant to Canfield.

Q You are not like running or hiding?

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A Not running or not hiding, we are in plain sight walking down the sidewalk while we are on West Florissant and I see the police cruiser.

Q You walk to West Florissant and then what is the street that takes you into Canfield Apartments?

A Canfield Drive.

Q Canfield Drive. So you walk up Canfield Drive?

A Well, once we get to Canfield, I see another police cruiser pass us by. Now this one, I believe, in my mind I believe he was going to the store to check the car if the store clerk made the call. At that time I wasn't aware, but I heard him say as I was walking out the store that he was going to call the police.

And seeing two police squad cars before we got to Canfield, it made me believe that he did call the police and if so, why didn't they pull up on us at that time.

But we got to Canfield and now we're walking down Canfield, like I said, we wasn't running, we wasn't ducking behind bushes or anything like that.

Q There is not a lot of cars out on Canfield

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out at this time, a lot of traffic?
A At that time there was not a lot of traffic, maybe two or three cars passed, which is, you know, not that much traffic up and down Canfield to what is backed up two or three cars will pass you going both ways.
Q This is a Saturday?
A Yes.
Q And according to the information, the records, it is somewhere around 11-ish or so, right around noon time that you guys were at that store?
A According to the information, like I said.
Q Would that sound reasonable to you if you heard that?
A It sounds about right, about 11:30 or 12-ish maybe.
Q Okay, okay. So now you are walking, I guess, east on Canfield?
A Canfield.
Q Drive?
A Yes, ma'am.
Q All right. And tell us what happens?
A We are going down Canfield on the sidewalk. As we approach, we get close to the leasing center, the leasing office is right at the

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beginning of Canfield.

The conversation we was having at this point, we was talking the same, the conversation never changed about what we were talking about future goals and stuff like that, what we were planning on doing.

And basically he was asking me questions on how did I transform to coming from where I was and getting on track and now I have my own apartment and stuff like that, I was just telling him a few things that I went through in my life that made me change and stuff like that.

I knew he wasn't someone like me, I knew he didn't grow up where I grew up from, where there was a bunch of violent gangs and violent stuff occurring all the time. I knew that much about because I read from his demeanor he didn't come up that way. I'm telling him about my life story and how I come up from a bunch of tragedies. I went to school, I was still able to do things that I need to do in life.

At that time he asked, at that time there was no cars, no traffic, no one was coming up or down Canfield Drive. We got in the middle of the street, got into the middle of the street. We're

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walking in the middle, I'm in front of Big Mike and he's right behind me. He's real big so I know people can see him right above me.

So we are walking on the street. At that time we are walking like 30 seconds, I'm not really on the time preferences, about 30 seconds and traffic started going, but no one blew their horns, no one made irregular turns to get around us like we were in the way and no one yelled out their windows, you guys are in the way, get out of the street, anything like that. Two or three cars had passed us.

Q Let me ask you a question. Where were you guys headed at this point?

A At this point we was headed back to my house or his house because where we were staying, like I said, we were staying directly apart from each other, but on opposite side of the streets. I lived on this side, my building was on this side and the building he was staying in at that time was on the other side of the street.

Q So you hadn't decided whose place you were going to go to yet?

A We hadn't made it to that point yet.

Q Okay. And your plan was to go and smoke?

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A Yeah, smoke and something like that?

Q So you hadn't decided whose house yet.

A No.

Q Okay. So go ahead and finish.

A As we're walking down the street, now I see the police cruiser approaching us, coming up west going back towards West Florissant. The police cruiser is approaching us, right before the police cruiser approached us, two cars had passed us already. Nobody said anything like we are in the street or nothing like that.

When he got right directly on the side of us, the police officer Darren Wilson, when he got on the side of us he rolled his window down and he said, get on the sidewalk, but it wasn't in a polite manner, it was very rudely.

Q You can say whatever he said.

A He said get the F on the sidewalk.

Q That's the get the --

A Get the fuck on the sidewalk.

Q Had you ever have had any interaction with him before?

A No, ma'am, I had never seen him before.

Q You had never seen him before. Do you know if Big Mike had ever seen him before?

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A We didn't get a chance to talk about it. Like I said, I just moved in that area, I really wasn't caught up too much in the police or anything like that, I go to work and come home.

Q Nobody said oh, I know him?

A Yeah, nobody said anything like that, it was just me and Big Mike. He didn't say anything at the time when the police pulled up on the side of us. The initial pull up Big Mike said, he didn't say anything. I was the one that was talking when the police officer said get the F on the sidewalk. I told the police officer we was just a minute away from our destination, I live in Canfield and we'll be off the street closely.

Now, at that time I was looking at the officer's face, but not really in his eyes. I really didn't look back up at Big Mike, he didn't say anything. I was the one talking to the officer and I wasn't loud with the officer or anything like that. I was just telling him where we were headed to.

Q How close were you and Big Mike at this time?

A At this time me and Big Mike, he's like right on my back.

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Q He's behind you, single file?
A Yes, he's right behind me, single file.
Q All right, go ahead.
A As I'm telling the police officer we were just going to get out of the street, we were close to our destination, I stayed in Canfield. I believe that he was pulling off. So we continued to walk. In my mind I thought he was just, you know, okay, they're just kids, they will get out of the street shortly.
Q So you stayed in the street?
A Yes, we stayed in the street.
Q Okay.
A We continued to walk and have our conversation, but almost a split second we heard the tires screech, and the officer, he pulled back in the truck very fast to the point at an angle if we didn't hear his tires screech, the back of his cruiser would have struck one of us, not both of us, it would have struck both of us or one of us because of the way he angled in reverse.
He never drove and turned around, he reversed real fast. Why he reversed so fast on us and the angle that he did in the manner, now we are almost not inches away from his front door, like we

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was right in his face now. He never got out of the car, he just pulled right back on the side of us, but it is almost at an angle.

Q Okay.

A When he pulled up we are face-to-face. Me and Big Mike are shoulder to shoulder now and the officer is facing us.

Q So you both are facing this driver's side door?

A Driver's side door.

Q Where are you in proximity to Big Mike?

A I'm on Big Mike's right-hand side. I'm standing right on the side.

Q So you are at the front or the rear of the car?

A I'm still in the beginning of the car, I never really walked and got far to the back. I was like in the middle of the front door and the rear door, so I'm like right here in the middle. And it is more Big Mike because he's larger than me, it is more him in the window, but mostly my face, I'm short and like the top part of me.

Q Okay. And the car is facing west?

A Yes.

Q Towards West Florissant?

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A Yes, but it is not straight facing, I'm standing counter facing.

Q Okay, all right. All right, go ahead, and so you all are at the door and then what?

A The officer pulled back. What did you say? Very loud, angry.

Q Who did he appear to be talking to?

A At the time I believe he was talking to both of us. Like I said, Big Mike never said anything when the officer pulled up on us. So at the time I believe he was talking to both of us when he said, what did you say?

And Big Mike, in an instant, Big Mike was finished saying something, his door was thrust open, very complex, he thrust his door open real hard. We was so close to the door that it hit mostly Big Mike, but it hit me on my left side and it closed back on him, like real fast. Just the same speed, boom, boom, that fast.

And at that time he never attempted to open the door again like to try to get back out, but his arm came out the window and that's the first initial contact that they had. The officer grabbed, he grabbed ahold of Big Mike's shirt around the neck area.

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Q So did he grab his neck or his shirt around the neck area?
A It was more of both because he had a real good grip on him.
Q Was there any warning, did he just stuck his hand out and grab, does he say something, did he say anything?
A No, ma'am, at this time when the door had closed back on him, he didn't say anything. His arm almost in an instant came out the window, his left arm, I remember it was his left arm, came out the window and touched Big Mike around his neck area and his throat. I watched his hands, you know, they really tightened up, so yeah, he had a good grip on it, that what's I saw first.
Q Were you still right behind Big Mike when this occurred?
A At this time I'm not behind him any more, we're side to side so I can see everything that is going on. I'm still in the windowed, I'm still right here standing in the same spot, I never moved.
And at that time Big Mike, he still has the Cigarillos in both of his hands, divided evenly, he never put them down in his pocket or anything like that.

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Now, from the beginning of the grab, it is a tug of war. Big Mike places his hands openly, one hand on top of the cruiser and the other hand more right up under the window, the side mirror. He's trying to pull off the officer's grip.

Q How is he doing that with the Cigarillos in his hand?

A He placed the Cigarillos on the car and his hands are on the car. He never dropped a single pack. He still has them in his hand not dropping them, but he's pulling away, but he still grab on. So he never could really get a good grip on the car, but he's really trying to pull away.

Q Okay.

A At this time the officer, I'm not hearing what the officer is saying, I'm not hearing what Big Mike is saying, so now I'm not in shock, but that's the beginning of my shock level. That's where I'm like, this doesn't happen every day, something is out of order here.

They are talking to each other, they are yelling and cussing. And neither one of them can calm down, they both have angry faces on while they are talking.

They both were very upset and they

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couldn't calm do. There wasn't any wrestling or anything like that, punches were thrown. It was more a tug of war and it was very intense, very intense.

Q Okay. And so please tell us what happened?

A While the officer is grabbing ahold of Big Mike, he kind loses grip around his neck, that's how I knew he had a good grip. He never fully let Big Mike go, now he has a good grasp on his shirt. So now Big Mike's able to turn different angles while he is trying to pull away.

And at a point he turned, now we are face-to-face, and he put his hands like, grab these, Bro. And in shock, I'm so not unconsciously, my hands open to where he could put the rillos in my hand, but I'm still standing in the same spot. I never said anything any more, I'm just standing in shock. I'm this close, I'm standing right here.

I almost feel like someone needs to come out here and say something to either one of them to calm somebody down.

At the time I couldn't open my mouth, I couldn't speak. I wanted to say could someone calm down. I could not speak at that time and the

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Cigarillos were placed in my hand.

At that time he turned back around, facing the officer now, and now he can get a good grip on the car.

So now as he is pulling away, it is with more power, with more force. The officer is trying to pull him inside the vehicle through the window, like he's pulling him, but he's pulling away. The officer never attempted to open his door again after the first initially opening his door and close back on him.

Now he's trying to pull him, he's pulling away.

Q Was he pulling him with both his hands?

A No.

Q The officer is only using the left hand?

A The officer is only using his left arm and trying to pull Big Mike in and I could tell Big Mike was, he was getting the best of the officer because here was in a better position to pull away. He was outstanding and he was pulling off of something.

The officer was using one hand, although he had a nice size, I really couldn't get the full body, but from his arm and when I seen his arm, he had nice size so where he was kind of

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strong, he looked strong enough to pull, but not strong enough to fully pull hum all the way in the car.

Q Was the car moving at all?

A No, at this time it was parked, it was still there in the same spot he pulled up in, same angle he was in.

And by this time there was cars behind and they could not get through because of how the officer had his vehicle or the cars couldn't get through the other way either east or west. So now we're just like three cars parked more towards the same direction the officer was going.

Q That would be west on Canfield Drive?

A On Canfield Drive. Now, in the midst of the tug of war, I never see Big Mike actually have his body inside the vehicle, like the officer never fully got him inside so much as he has torso or top area coming toward the window.

Q Did you ever see Big Mike's hands inside the car?

A No, ma'am, I never, I'm still standing there, more shocked than ever because I see it is escalating, I can see and hear the cuss words, I can see the frowns on their faces getting more intense.

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MS. WHIRLEY: Is there a question?
I do have a question.
MS. WHIRLEY: It is okay with me.
: Do you want to wait?
MS. WHIRLEY: You can go ahead and ask a question.
You said you were on his right?
A Yes, ma'am.
: You were both very close to the door?
A Correct.
: You said he had his hands on the police car?
A Correct.
And he handed you the Cigarillos in your hand?
A Yes, ma'am, correct.
: Did he and you both have in one hand?
A Correct, yes, no. He handed both of them in my hands he had, my hands were free, so he handed them to me at the same time.
: Reason I ask this, I'm not judging, the reason I ask you is because that in

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the film we saw, he only had the Cigarillos in one hand.

A Yes, when he initially grabbed out of the store, he had a lot of them in one hand when he grabbed them in the store. Once he got outside the store, that's when he divided them kind of and had both of his hands.

He's 6'3" or 6'4?

A Yes, ma'am.

You're not six feet?

A No, not at all.

: So how do you know he is so much taller than the car than you, you say you saw both of his hands, how did you see his left hand?

A The officer or Big Mike's?

Big Mike.

A Big Mike.

: He's so big, he's up against the car.

A Yeah.

How could you be sure?

A He was never like, I see what you're saying, he was never that close to the car, like I said, because of the position that he had on the

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officer standing outside. He was more overpowering the officer and the officer couldn't get him to close to the car.

So as he is pulling away, I can see his hand on front of the car, not both of his hands were on top. One hand was on top, the other hand was kind of by the side mirror on the officer's cruiser. So I can see his hands as he's pulling away, but then the officer, you know, there's a tug of war. He pulled him and then he pulled away.

That begs another question. You said he was getting the best of the officer. And when Sheila asked you if the car was moving, not was it mobile, but was moving, like was it so much force that it was rocking or something?

A I mean, the truck, yes, it was moving.

Because you didn't say you could tell that Big Mike was getting the best of the officer?

A Yes.

: If he is 300 pounds and 6'3", there has to be movement of the car?

A Yeah, because of the distance, or whatever, and he was standing, the car was moving, thank you for clearing that up.

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MS. WHIRLEY: I'm glad she cleared that up.

A It wasn't moving, but it was shaking and moving, thank you.

: . You said initially that generally your process is to get up in the morning, check with your girlfriend and your baby to see if they want anything to eat on that date, your intent was to go get the Cigarillos from somebody in the apartment complex?

A Yes, ma'am, correct.

: Okay. And then was your intent to get something, you said something to eat for your girlfriend; is that correct as well?

A Correct, yes, ma'am.

: Naturally you didn't get to the friend's apartment for the Cigarillos, you were kind of diverted you said to the Ferguson Market; is that correct?

A Yes, ma'am, that's correct.

: At which time that's where the alleged theft had occurred?

A Yes, ma'am, correct.

Of the Cigarillos. You came out, you're coming back to the apartment

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complex; is that correct?

A Correct, yes, ma'am.

Where did you, if I understand correctly, there's a McDonald's in this area, is that also correct.

A Yes, ma'am, right next door to the store.

At any point did you stop at the McDonald's to get breakfast for your girlfriend or your baby at that time.

A No, ma'am. At that time I was more concerned with getting home, getting away from that whole incident because of what had just occurred in the store, now I'm more wanting to just get back to my daughter and my girl because I know the seriousness of what just occurred.

Uh-huh, okay. And you said that you had lived there approximately about eight months you said, right?

A Eight months.

Although you only met Mike, I think you said about three months before this incident occurred; is that correct?

A One or two months.

: One or two months.

A Or five.

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: You knew other people that lived in the complex; is that correct?

A As neighbors, I only knew one other person that visited the complex as a childhood friend. I knew him as a childhood friend that one person, everybody else that I met, I met them as neighbors, I never stayed in Ferguson before.

: Okay. Now while you were there, I'm of the impression, I don't want to speculate, you had no other contact, had no other contact directly with Ferguson Police Department for any reason, any tickets or any altercations or anything of that nature?

A Yes, ma'am, I never had any.

While you are in the apartment complex, I mean, I'm quite sure sometimes you hear through the grapevine well, yeah, this guy got stopped or whatever or the police is like that, did you hear any conversations to that effect from any residence in the apartment complex?

A Yes, ma'am, all the time. Every day I hear different stories about people's different encounters with Ferguson Police. Be very mindful of the police around. Whenever you're coming outside the door, people are always giving you a warning,

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they are up the street now, they are down the street or something in that manner basically keeping you aware of Ferguson Police.

: Okay, all right. With you being the older person, I think I heard in one of the DVDs that we saw or either in the transcript of that, you were basically kind of being a mentor to Mike; is that correct?

A Yes, ma'am, correct.

You saw that as an unofficial mentor?

A That's correct. It wasn't just like that with Big Mike, it was other kids his age that would see me and they see how I look and they see me walking up and down the street.

I have a dog, so me and my dog, I walk my dog a lot. I just live a peaceful lifestyle and they see that and they see me with my tattoos and my dreadlocks asking questions every day. They see me how did you, what happened, how did you get your job or anything like that.

So it is on a, it wasn't random that a person his age would come to me asking me how and the ways to get to work, to be the life to where you be comfortable a little. It was just me and him

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didn't talk on a daily basis, I didn't see him on a daily basis.

: Okay. And with having that kind of relationship, when this incident occurred at Ferguson Market, did you have any opportunity at any time before this happened to kind of inform Mike what you had heard about the condition or the relationship between the community, the African-American community or community in that area and the Ferguson Police Department?

A No, ma'am, to my knowledge, Big Mike was living in Ferguson a lot longer than I was. Like I said, his grandmother stayed in Northwinds, they still in Ferguson. He knew a lot of people that stayed in Ferguson.

He was very popular, you know, with the kids, or people in the area. I was just the new resident, first time owner, year lease holder, I really didn't know people around or that much about Ferguson to give him knowledge about Ferguson and he stayed there a lot longer.

: Okay. So, I mean, did he have the opportunity to let you know about the Ferguson Police Department if he's been there longer?

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A Yes, but not, he never directly told me like yeah, man, Ferguson, they really be on us like that, he never really said anything like that towards me or never really brought up incidents where he had encountered with the Ferguson Police.

My other neighbors that stayed around who lived or who owned their apartment or drive up and down the street every day, those are the ones getting stopped and they had their complaints, but he really didn't talk about Ferguson Police.

When the officer, Officer Wilson, Darren Wilson, when he first accosted you and Mike Brown in the street as you are walking back to your, I guess, wherever you intended on going, hadn't been decided yet, going to go to his place or go to your place or not, but when he, I believe you guys are walking east then; is that correct, on Canfield and he is traveling west on Canfield, the officer in his vehicle, is that correct?

A If west is going towards West Florissant, east towards Northwinds, yes, that's correct. I'm sorry, I don't know.

Okay. When he stops you and he makes this comment to you, okay, and then you say that you tell him that you are about a minute

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from where you are going, you need to get to, okay, can you write that down for me in relative about approximately how many feet, did you have a block to go, did you have like 20 feet to go, 10 feet to go or what?

A Yeah, like I said, we was just at the leasing office where my building is and his building is away from the leasing office is not a block away, probably 20, 30 feet away.

: So about 20 or 30 feet?

MS. WHIRLEY: We can look at the map, did you have another question?

Yeah, I had another question. Was there any particular reason when the police officer gives you an order that you and Mike did not obey that order to get out of the street at that time and onto the sidewalk?

A The reason, I mean, at the time in my head and the response that I give back to the officer, I didn't feel like I was rude. I knew by law that we really wasn't committing a crime at the time because there was no traffic flow and no one was, you know, we wasn't holding up traffic or anything like that because cars were still able to pass us.

It was more so, it was more so like a

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father figure talking to a son and that's where, you know, we are just walking down the street. But no one said anything like that, but this is what I'm thinking in my mind, we are just walking down the street, we are not causing anybody any harm. He didn't initially pull up on us and stop us because of the store incident, which I thought when I saw him I thought he's coming to get us for the store, but once he told us just get on the sidewalk, in my mind I'm like well, I guess he didn't call the police.

So at that time if the officer didn't know and I feel that he didn't know about the store because Big Mike still did have the Cigarillos in his hands in plain sight when the officer pulled up on us. He was just saying get on the sidewalk. Once I responded to him telling him we was a minute away from the destination, I felt like that we were not committing a crime, we were having our conversation, we was just walking.

At that time the officer really didn't look like, you know, he was mad or he was telling us that we was committing a crime, he was just saying get on the sidewalk. We was basically okay, we will be out of the street in a minute.

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: Did you, I mean, did the thought ever come to your mind at that point in time that maybe he was doing it for public safety to avoid you being struck by a vehicle in the street or anything of that nature, maybe for your own safety?

A At the time, no, I was not thinking that, but I could see how that would come into effect. At the time I was not thinking we was in harm's way or anything like that. Like I said, cars had passed us before the police got on the side of us, no one made, you know, any remarks saying, hey, you guys are in our way or blowing their horn or anything like that. So at the time I didn't feel like we were in harms way.

: Earlier you spoke about the construction worker, you did not speak to the construction worker, you did not talk to them?

A No, I didn't say anything so much as just stand there. I honestly didn't believe the construction worker would give a conversation because they were working at the time.

: Okay.

A I was just standing there.

: Could you hear them talking?

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A Not so much as, hey, when the construction worker spoke back, I kind of bowed out of their conversation. I didn't hear what they were saying to one another.

: You didn't hear him talking about getting high and something?

A At first I heard because that's what I was initially going to do. So I heard him bring up smoking or anything like that, but I couldn't get detailed on what exactly was said between him and the construction worker. I couldn't really factor in exactly what they were both saying.

: Where was the construction worker on your way back, they were gone?

A We did not get there.

: You didn't get that far?

A We didn't get that far.

: You mentioned, you said it was almost, you didn't know if you were being punked because it was almost like he had done it before. Do you think it is possible he could have done it before, do you think it is possible? I mean, he is a big guy, he's a big guy.

A Yeah, he's a big guy. I really can't say

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if it is possible that he would do it at another store or anything like that. All I can say is how I felt at that time when I did see that because I never seen it before like that or the store clerk react that way or that slow.

Yes, it was like he knew the people like he had been in that store before, like he knew them, that store before and he knew things like that in that store.

It was not like he had stolen before or he was just familiar?

A Familiar with the store to where he could just pick up things and just pay for however he pleases.

I'm going to kind of ask you the same thing that he asked you. You said you didn't feel like you were doing anything wrong, but in the manner that the police spoke to you --

MS. WHIRLEY: Speak up a little bit for us.

: In the manner that he said get the fuck in, on the sidewalk.

A Yes, ma'am.

: Why were you not even on the sidewalk? It was not safe, is there a reason

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why you didn't take advantage of the sidewalk, why you didn't do that?

A It wasn't a reason that I wasn't on the sidewalk, it was more just a decision that we made. When we get down there or anything like that, but the initial, the reason we didn't follow the complaint, like I said, Big Mike at this time never said anything.

: Okay.

A It was more like a chastisement than you are breaking law or you are committing a crime or you might bring harm to yourself.

If those were represented in the way he came off to us when he first said it, then maybe, okay, you know what, we'll get on the sidewalk. Because of the way he said it and the manner that he said it, it was more like we're not your kids, we're not doing anything legally wrong, just walking down the street even though it could be considered a crime jaywalking, but we are just walking in the street, we are not committing any crime or bringing harm to anyone.

: My last question right now. When the police, you said that the police passed you?

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A Yes, after that.

: And you're walking back?

A You talking about after the store?

: Yes.

A Okay.

: Are police going both ways?

A No, the police came.

: From the area of the store?

A Not the area from the store, from deeper in Ferguson, so they was coming towards the store.

: Okay.

A When I first saw the official squad truck, it was a truck, not a car. Like I said, they didn't even go to the store, they went to McDonald's, they was on the parking lot. They turned around coming off the parking lot, but didn't really come off the parking lot or didn't confront us.

The third police car.

A Darren Wilson.

: Darren Wilson is the one that said get the F on the sidewalk?

A On the sidewalk.

: You said I'm not doing

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anything, I'm going home, and that's when he backed up.

A Correct.

: And you couldn't go anywhere --

A Yeah, at that point when he backed up on us, I stopped.

: Okay.

A Because I felt that he had something else to say and I didn't want to make myself look guilty by running away or being startled and, you know, making a quick reaction, so I just stood there and complied with the officer even though he never said freeze or hold when he pulled back. I felt I will just stand still and see what he asked.

(Grand Jury Exhibit Number 15 marked for identification.)

Q (By Ms. Whirley) So at no time when the officer pulled back, we have brought a map that's marked as Grand Jury Exhibit Number 15 that would hopefully help you kind of illustrate where you guys were, does that look familiar?

A Yes, ma'am.

Q Okay, good. But my question before we get started is when the officer pulled back, he never

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said, he never questioned you about that store incident?

A No, ma'am.

Q He never gave you any other directions then get out of the street or get on the sidewalk?

A After he initially said get on the sidewalk, he never even brought the sidewalk situation back up. He never brought the store up after he gave his first statement about getting on the sidewalk and I told him exactly how I said we are a minute away from our destination. We will be out of the street shortly. After he pulled back, there was no more sidewalk talk, it was nothing, it was just anger.

Q And then the altercation ensued?

A Began from there.

Q All right. I'm not sure how sturdy this tripod is, hopefully it will get us through. Can everyone see this map? You had a question?

: . A couple questions. I want to keep it before we move on. When you went into the market, you talked about payment, did you have money in your hands? I know you didn't have any pockets, I'm trying to figure out where you had your money?

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A I had my money in my shoe at the time, yes, I had my money in my shoe.

When you left the store, I thought it was strange you guys stuck together. You didn't seem concerned, then kind of something bad was there, then you kind of stuck with Mike, kind of walk down the street, see the cops coming knowing they might be coming for me, I would expect probably more hide behind the bush, get back in place. What is the reason you walked down the street waiting for the cops to come get you?

A Like I said, that was in my mind at the time, we're not running, there is nothing really to hide behind on West Florissant. We could have run behind the stores, we still had to get out in the open eventually to get down Canfield. In the mind walking from Ferguson Market to Canfield, we're never making it to Canfield. We're never making it to Canfield how far this store is, to how many police cars we see on a day, you know, that's just in the area, we'll never make it to Canfield.

You know, just seems strange to be in the middle of the street, you think on the sidewalk to kind of avoid being noticed.

A In my mind, I'm still trying to fathom

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everything that is going on and why he didn't put the Cigarillos in his pocket. He still had them in his hand the whole time leaving out the store, all the way walking down Canfield Drive.

When the police officer backed up at you, obviously, very aggressive. You think he intended to hit you, you think it was a miscalculation on the part of his judgment what he thinks, I shouldn't ask it that way, but I'm just trying to, I mean, that's pretty aggressive if you felt like you had to literally get out of the way to avoid him hitting you, if you felt that way?

A Yes, correct. It was very aggressive and fast the way he pulled back, but because we heard the tires, we was able to step back almost a second before the truck, the back of the rear of it kind of hit us, so it didn't hit us, but the way his car was angled, it very well could have hit both of us.

: . Just a quick follow-up question. Is it typical for you to walk down the middle of the street when you went to the market or walk around the neighborhood.

A No, sir. I walked in the middle of the street before, but it is not like I just wake up in the morning, hey, we are going to walk in the middle

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of the street. It is something you do, you are crossing the street and try to stay a little longer or you just walking down the sidewalk. It wasn't planned to walk in the street.

Typically you would be on the sidewalk?

A Correct.

: In my mind an act of defiance going down the middle of the street expecting cars to go around you and, you know, pay attention to you. If I see somebody in the middle of the street I'd be concerned about hitting them and really slowing down and moving over.

A Yeah, that's correct.

: I would interpret that they are being defiant to show strength or something.

A Correct, walking down the middle of the street could, you know, cause harm if someone had to, but like I said, walking down the middle of the street we saw two, three, maybe even four cars pass us and no one blew their horn, no one even stopped or slowed down. They kept the same speed and just rolled right passed us.

Eventually there might

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have been a driver that caused a confrontation?

A If, but it didn't come at all, we didn't get anyone telling us to get out of the street, you are in our way, anything like that, no comments like that.

: Thank you.

MS. WHIRLEY: We just have, as I mentioned, Grand Jury Exhibit Number 15 as an aid to help the jurors. I'm going to try to move it where everyone can see it. Can you guys see it from here?

A You want me to stand up?

Q That would be great, Dorian, thank you. I'm going to give you this pen.

A Well, as you all can see Number 12, this is my building right here . Like I said, we have a driveway, you see into the driveway, Canfield Drive, you can see directly over. This is the building --

Q Excuse me, this says Caddiefield Drive.

A Caddiefield, this is Canfield and through the apartments like the driveway, they have Caddiefield.

: . You lived in Caddiefield.

A Yes, I lived on ,

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Like I said, you can see directly across coming out of my building, this building that he was standing with a friend, Building Number Big Mike. They were standing on the third floor also.

That morning when I came out, I could see him, Big Mike right about right here helping someone put kids in the car.

The guy who I was going to --

Q (By Ms. Whirley) Let me stop you a minute. When you indicate where Big Mike is, could you put BM or MB, either one, so we can keep track of who is who. This is him too, right?

A This is where he was living.

Q This is you down here?

A This is, right. I will put DJ for me.

Q Okay.

A I don't know if you can see it. And this is Big Mike. Now initially when I first met him he was staying a little further back in Northwinds. At the time of the incident he was staying here at the time, something was going on with his grandmother, he had to move out, and he was staying with a friend.

When I came out that morning, he was

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down in the parking lot area. Now the guy I was going to go to for the Cigarillos, stayed in this building right here Number Like I said, regardless whether I saw him or not, I was passing this building, that's the way I walk through to go to the guy.

When I saw him, we had our words, we're going to match, now we are walking up.

Now this is where we are going towards the store, going up Canfield. Now back to the part where the officer pulled up on us.

One is the leasing office, the first building. We were pretty much, we didn't get on into the street until we were like right before the leasing office, so it had to be right here where we initially just crossed over into the street.

Now, when the street, the officer doesn't pull up on us until about right here is where the police officer first really pulled up on the side of us.

After he initially said get on the sidewalk, we got to about, I say we wasn't really that far away from him, we got to about right here.

Q When he said get on the sidewalk, you are still, you said I don't have, I'm almost at my

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destination, you keep walking east?

A Yes, we were still walking, but eventually I figure we were going to get out of the street.

: . So you were right there at Copper Creek Road and he said get the F on the sidewalk?

A Yes.

: You said not but a minute, you kept walking, you didn't hesitate, you didn't even do anything except we are almost home?

A Yes, that is what I told the officer. We are a minute away from our destination, I'll be out of the street shortly. At this time Big Mike said nothing, no words were out of his mouth towards the officer.

Q (By Ms. Whirley) Let me stop you for a minute. Your destination would be like, show us where you were when you told the officer you are almost at your destination, this goes to one of the grand juror questions.

A This leasing office where we are at. This is where the officer stopped us. He asked us to get on the sidewalk, I told him we were going to our destination. This is where I was headed, this is where Big Mike's house was and, you know, it is not

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very close, but it is not very far. You can actually see both our buildings from standing right there, there is no real big trees or anything, they were actually cutting trees down in the neighborhood.

Q (By Ms. Whirley) You don't know the distance between that?

A I don't know the distance, you can see both the buildings from where we are standing from the leasing office.

Q All right.

A Now, once he pulled back on us. Let me see, you know what, I'm sorry, yeah, when he pulled back on us.

Q Is there something wrong?

A Yeah, I'm sorry, like I said, because of that day and what was going on, I really couldn't time or distance time and distance really is a blur to me, so much actually happened.

Q Are we right with the location as far as when, where he stopped you?

A Where he stops us, yes. I really can't tell how far we got down like the distance he had to drive in reverse, but I know he had to drive in reverse.

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The front of his car never met us, the back of his car met us first when he came back. I'm describing from the distance because where he was shot was down here, Big Mike was shot down here in this area.

Q That's where his body fell?

A That where his body was. One of the cars that I had to duck behind for cover, they were along this right here. (indicating)

Q Put car or something to let us know.

MS. ALIZADEH: Why don't you make, before when you have done this, yeah, make a rectangle.

A Okay.

MS. WHIRLEY: That's better.

A Like one car. It had to be a second car and third car would be like right behind.

MS. ALIZADEH: And Dorian, all three of those cars were going towards West Florissant?

A Yes, ma'am, correct.

MS. ALIZADEH: They were on the right side of the street?

A Yes, ma'am, correct.

Now, like I said, I don't know how far we got along, but because of how the officer pulled reverse on us, now his cruiser was more like

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on both sides. I'll put another rectangle, but his rear was more on the side where he was coming from and kind of like, the beginning of his front was on the other side. Either way cars couldn't come this way or go the other way. They were stuck, and at that moment that's when these three cars were standing right there. And like I said, me and Big Mike, we are standing on this side of the police cruiser car.

Now, when he pulls up on us and he said, what did you say? I could tell that he's mad then, that's when he tried to open his door. Like I said, the way I was standing on the side of Big Mike when he opened his door, we was so close to his door that it hit us, but more so it hit Big Mike, only like a little portion of me, maybe the end of the door, it didn't really hurt me or anything like that, but it struck us and it closed back on the officer.

At that time is when his arm came out the window and he grabbed onto Big Mike.

Q (By Ms. Whirley) Okay.

A Any other questions or should I continue?

: . Where did you say that the door hit you?

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A The door hit me on my left side, left arm, not my whole body because Big Mike is so big he takes more of the door than me, but just a piece of my arm and a piece of my body.

Did you have any visible injuries to that area?

A No, it hit more Big Mike than me, I didn't have any bruises but I felt the door hit me.

: Require any medical attention?

A No, ma'am.

MS. ALIZADEH: Dorian, can I ask you some questions? I know you have, at this point you've known Big Mike a couple months, maybe three months max?

A Yes.

MS. ALIZADEH: I know you've said that he was a great guy, you liked everything about him, right?

A Yes, ma'am.

MS. ALIZADEH: You considered yourself, you know, kind of a mentor?

A Yes, ma'am.

MS. ALIZADEH: You are older, you came from a violent background, not you violent, but

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lived in a violent area?
A Yes, ma'am, correct.
MS. ALIZADEH: So, you know, when you go to the store and you see him just take these Cigarillos and you said he just said I'm going to take these Cigarillos, right?
A Yes, ma'am, correct.
MS. ALIZADEH: That's really brash, wouldn't you agree?
A Yes, ma'am.
MS. ALIZADEH: That's like indignant. And then when the clerk tries to stop him, he pushes the clerk aside?
A Yes, ma'am.
MS. ALIZADEH: Doesn't he?
A Yes, ma'am.
MS. ALIZADEH: You are surprised by that. And I think, you know, no one is saying that you had anything to do with planning that or even were aware it was going to happen, but just that behavior, that's pretty brash, wouldn't you say?
A Yes, ma'am.
MS. ALIZADEH: And then so when you are walking back and now you heard the clerk say I'm going to call the police, let me ask you this, after

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he pushes the clerk aside, and I know you are watching this and if you want to watch the video because we couldn't get it to work in the other room, we can play it again for you. We can play it for you, but doesn't Big Mike come back at the clerk at some point?

A He does, but that's almost like because the store clerk made a move like he was going towards, like I said, the first time before the store clerk actually tried to grab for Big Mike because the first initial grab the store clerk just grabbed the door and Big Mike just pushed the door.

Now, the store clerk made another step like he was trying to grab for Big Mike and that's when it was like a real --

MS. ALIZADEH: Like a push away?

A Fast push away, and I don't know if the store clerk was going to walk back on or anything, but that was like a stare down, like he kind of like stared at him.

MS. ALIZADEH: And that was threatening, he was threatening, don't you think, he is 6 foot 5 inches tall?

A He was a small man. He was almost smaller than me, shorter than me, you are right.

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MS. ALIZADEH: That would be extremely intimidating, don't you think?

A I could see where it made the store clerk kind of eased off.

MS. ALIZADEH: Sure.

A You know what, I will just leave this at the hands of the police.

MS. ALIZADEH: At this point, I mean, this is not behavior you are used to seeing from him, correct?

A No, ma'am, I wasn't aware of it.

MS. ALIZADEH: But it is clearly very much macho, I'm going to take these Cigarillos, I know he's not saying that, but that was kind of his demeanor, like what are you going to do, stop me? I'm taking them, right?

A Correct, yes, ma'am.

MS. ALIZADEH: Okay. So then you are walking down the street, I know you said you are kind of freaked out at this point?

A Yes, ma'am.

MS. ALIZADEH: And you see cop cars coming by oh, my God, you know, but Big Mike doesn't really care, does he?

A Not so much care because when he saw, he

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looked at my face. I'm just walking like oh, my goodness. When I see the squad car I kind of follow it, I want to see are they going to the store or what is going on. And once he sees that on my face, he is like just walk normal, so we are just walking.

MS. ALIZADEH: But he doesn't even put the Cigarillos in his pocket?

A Like I said --

MS. ALIZADEH: He has them out there like.

A Just walking, yes, ma'am.

MS. ALIZADEH: Whatever, you know. He owns the street right there, right, kind of?

A I don't want to say he thought he owned the street, he was very bold with how --

MS. ALIZADEH: Bold, that's a good way to put it. So then, you know, as you walk back and you say you are walking in the middle of street.

A Yes, ma'am.

MS. ALIZADEH: I know, you know, it is Saturday, noon-ish, there is people out, but not like rush hour or anything, but, you know, cars are going back and forth, cars are going, passing you, but they don't have any trouble getting past you.

A No, ma'am, none whatsoever.

MS. ALIZADEH: But then the officer stops

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and says get the fuck on the sidewalk.

A Yes, ma'am.

MS. ALIZADEH: And you said hey, we are just going to my place, we are going to be there in just a minute and you guys kind of keep walking and he then drives past you, correct?

A That was, in my mind, that is what I was thinking, yes, ma'am, I heard his car pull off.

MS. ALIZADEH: Okay. And then you hear screeching tires and then do you look back to see him reversing towards you?

A Yes, ma'am.

MS. ALIZADEH: You hear him say what?

A What did you just say? He thought someone had said something else.

MS. ALIZADEH: Is it possible that Big Mike, who is behind you now, could have said something to the officer as the officer pulled away, could have said something ignorant to him?

A No way, no, ma'am. He was standing behind me, he was so close if he would have said something, I would have heard. He didn't say anything, like I said at that time only I spoke to the officer.

Now, I could kind of see where he may have been looking at the officer, kind of staring

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him in his eyes, I'm talking he never said anything, probably eye-to-eye contact with the officer. I don't know if that, like he did the store clerk, eye-to-eye with the store clerk where he thought --

MS. WHIRLEY: I want to interrupt you. Did you see that or you just speculating?

A I am speculating right now.

MS. WHIRLEY: We want you to tell us what you know, what you saw.

A I was looking at the officer because I was talking to the officer. I wasn't directly looking into his eyes, so much looking at his face and telling him what was going on, but at no point in time I heard Big Mike say anything at all, he never said anything.

MS. ALIZADEH: But the officer said, what did you say? That kind of sounds like he heard something.

A Or he may have got a look that may have looked like he said something. That's why I speculate that he may have been looking at the officer, but, you know, the way the officer pulled back on us, yes, I feel like, all right, I'm lost. I was the one that just told you, I didn't say anything else.

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MS. ALIZADEH: You didn't saying?

A No out of order, no cuss words or anything like that.

MS. ALIZADEH: You didn't hear Mike say anything?

A No, ma'am.

MS. ALIZADEH: Is it possible, if he said it like under his breath as he turned his head, might be that you didn't hear it?

A I didn't hear him mumble anything.

MS. WHIRLEY: Here is a question.

: . If the police had already passed you guys up as you are walking towards home, he is going back towards West Florissant, how could he have heard you because he had to come back to you and say what did you say?

A Exactly, so I felt that was my random thinking, no one said anything, but I didn't say that to the officer because I didn't know what he was feeling at the time, the way he pulled a reverse on us, I was let me stand fast and see what he is going to say. That's why I basically was standing side to side talking to him.

: Okay, this is So now you say you don't even think the police heard

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you say we are almost home?

A No, he definitely heard me say that. Again, I was looking at his face while I was talking and telling him.

: Again, I'm not judging you, but somebody just stole something?

A Right.

: On the video that we watched, he grabbed ahold of the man?

A Right.

: He said something to him and he lunged at him, okay, you are walking down the street?

A Yes, ma'am.

: The police tell you to get the fuck on the sidewalk?

A Correct.

And you say I'm almost home, you are thinking to yourself we are not doing anything wrong, didn't you? Somebody did just do something wrong, so that still begs the question why you did not listen to the police?

A Yeah, like I said before, at the time we was walking from the store, I saw with my two eyes police squad cars pass us by, neither one of those

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cars stopped us or said hey, did you just come out of that store or anything like that.

So in my mind at the time they were unaware or the store clerk never made the call because before we saw Darren Wilson, we saw two more police cars. He was the third police car we saw and he was the first one that stopped us.

MS. ALIZADEH: So you guys thought, or at least you thought you were in the clear that this officer wasn't talking to you about the Cigarillos.

A Not so much me in the clear because I know I didn't commit a crime. I was so much thinking maybe he didn't call the police, that's all I was thinking.

MS. ALIZADEH: You were worried, you already said --

A I was worried because of, I know that, you know, he's not a person like that and I'm worried because I don't think, well, I don't know what is in his mind. I can't think what he's thinking at the time, but I know, you know, I've been locked up before, not for anything like that, jail is not for nobody. Nobody should ever want to go to jail. So I knew that's where he was headed, so that is where my worry and fear is coming from.

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MS. ALIZADEH: Okay.

MS. WHIRLEY: You say when he came back, he never mentioned anything about the Cigarillos or the store?

A Darren Wilson the police officer?

Q (By Ms. Whirley) Yes, the police officer.

A He never stopped stop us and said hey, freeze, stop right there, let me get out of my car anything like that. I've been stopped by police before, I know there is a way that they stop or pull up on people, suspects for committing crimes.

So exactly what I said, didn't feel like he was stopping us or telling us anything like we were committing a crime so much as chastising from a father to a son, like you are doing some wrong. Hey, put that down or don't touch that, it came off like that, that's how he said it.

: . You did say that you have money in your tennis shoes?

A Yes, ma'am.

Why don't you pay for the Cigarillos?

A At the time I thought he was going to buy them because when we was in the store, I never confronted the store clerk, I never even walked up

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to the register, I just stood back because I thought that he was buying the Cigarillos.

When I saw that he wasn't, I didn't need that many Cigarillos, that's why I just, you know, set it back. And because of what was going on at the time, I don't even want to be, you know, I'm really trying to get out of the store now. I don't like what is going on, so I'm leaving so much as hey, I'll pay for them, it is all right. I'm just trying to leave now.

: When you saw your friend do something that is wrong and you have the money, why don't you pay?

A Oh, no.

: Or at least offer to pay?

A I'm sorry, I didn't have enough money to purchase all of them.

: At least some of them, what have you?

A I didn't have enough to purchase all the Cigarillos that he was grabbing. And at the time, like I said, we never had a conversation about what he was going to do in the store or anything like that. We was just going to get some Cigarillos.

At the time you didn't

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even pay for one Cigarillo?

A At that time I was basically, hey, you know what, I'm not a part of this, I didn't know, although I didn't say it, I was basically just trying to get out of the store like all of the rest, there was another person in there, he was just trying to get out of the store, so I'm getting --

: You are with him and he is doing that, you are an accomplice?

MS. ALIZADEH: You can't hear him?

A I'm sorry, I'll speak up. The store clerk actually does notice me, like I said, it was a male store clerk and his daughter was there. She's looking directly at me, I'm looking at her face-to-face and she sees me actually put the box of Cigarillos back and I step back.

Because they are kind of in front of the door so I really can't get through, like walking straight. So I have to kind of side step them. The store clerk, as he walked past me, he never tried to grab me, hey, you with him, he never did anything like that. So I felt like, you know what, he saw me put those back, he saw that my intentions were not to steal from him, so that's why I believe he didn't never try to grab me or hold me back or from leaving

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or anything like that.

. When the police officer backed up and almost ran over you, let's say, and you guys were facing his window, when he opened his door, what is your sense of what he was trying to do when he was opening your door, do you think he was intentionally trying to hit you with the door or was he potentially trying to get out of the car very quickly?

A That I can't speculate on. Again, I cannot speculate what is in someone's mind or what their agenda is going to be, but the force that he used and the power behind it, I believe it was unnecessary. He could of, and the way he backed up, if he would have backed up straight back, he would have been able to open his door, step out of his car perfectly. But because of the angle where he reversed and how close we were and how fast he did it, it happened real fast. Everything happened continuously right back to back.

It was really with a lot of force and power that wasn't needed.

Do you think, do you think it is possible that he didn't know how close you guys dies were to the car?

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A I don't think that it is possible not to see someone. You have a couple of mirrors attached to your car as you are backing up, I'm sure, I pray, I hope he was using his mirror and not intentionally trying to strike us. But like I said, I can't speculate what he was doing, I know that he was very forceful and powerful.

MS. ALIZADEH: But Dorian, you said you guys had to kind of jump out of the way?

A We definitely had to step back, not so much as a big leap to where, you know, oh. It was more of a step back real fast because of the rear end, you know, it wouldn't have, the whole back of the car wouldn't have hit us, it would have been like a corner of the side of the rear because of how he was turning his vehicle, it would have struck one of us, if it would have hit him, it would have fell into me, but if it would have hit me, I would have fell onto the ground.

: . It seem likely to pull up next to you, you had the first encounter, he continued down west, probably, potentially looks in the mirror, sees you have not adjusted your path.

A Right.

: He's aggravated because

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you aren't doing what he asked for, backs up, not only does he back up to stay straight, he backs up and puts his rear end across that center line, therefore, blocking your path. You can no longer walk down the center line any more, he is going to take that away. And possibly when he is asking you what did you say, I had a feeling he may be referring back to the first conversation we had and he is wondering, what did you say? Didn't you tell me you were going to get out of the street?

Again, I'm assuming different things in there, but it may not have been a secondary conversation that he's referring to, what did you say when I drove away or when I was coming back, he very well could have been referring to the very first conversation, he's wondering why you are still in the street?

A I can see where you are saying, he maybe didn't hear exactly what I was saying to him or something like that. I never said that it right away, officer, we get right on the sidewalk. So I could see why he would be like, they're not getting off the street and pulled back.

: Right.

A Even still, like I said, if he would have

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pulled back straight, the altercation would have happened a lot different, I'm sure he would have happened a lot different if he been able to get out of the car, full body, stand straight up, but because of how that little small incident reacted, it kind of turned the next level up a lot.

MS. WHIRLEY: Okay. Anybody else? All right.

Dorian, why don't you have a seat, we may go back to the map.

Q (By Ms. Whirley) Let's get to the actual shooting.

A Okay.

Q We left off with you talking about the officer had his left hand out of the car and he is pulling Big Mike in or trying to, so now the Cigarillos have been handed off to you?

A Yes, ma'am.

Q Go from there?

A I'm sorry, could I stand up? This map is perfect and I just want to see very perfect, everything is here.

So at the time, like I said --

Q You still have the pen in case you need to?

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A Big Mike and Darren Wilson, the officer, they are doing their tug of war. He passed me off the Cigarillos. Now he's back, at no point in time did I begin to move away, I stood in the same position, same spot. I'm still in the driver window of the officer the whole time they are doing their tug of war, so I can see both of them. I'm going back and forth looking at both of their faces.

I'm hearing cuss words from both of them, but I don't really hear the officer saying, you know, stop or get down on the ground.

I really like, I'm shocked, the shock level I'm going through right now is continuously building. So now it is more and more stuff, I'm trying to comprehend that it is not, it shouldn't be happening, that I know shouldn't be happening. They are pulling back and forth. At this time I heard the officer says, I'll shoot. This is the first he says, I'll shoot.

At that time I was looking at Big Mike when he said I'll shoot. In my mind taser, I see people get tased before and it looks like it hurts a lot.

Q Let me stop you a minute. So the first time the officer says, I'll shoot, Big Mike's hands

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are free now?
A Yeah.
Q He's given you the Cigarillos?
A Yes.
Q No shots have been fired yet?
A Not at the moment, no.
Q Okay. So do you know where his hands are when the officer is saying, I'll shoot?
A I can still see both Darren Wilson's hand and Big Mike's hands.
Q Tell us about it?
A Big Mike's left hand was still on like right above the side mirror, right up under that, right up under the side mirror. His other arm now because of the tug of war pull, the officer's grip come up, from up on his neck, to the shirt collar, to the shoulder, to basically he never let go. Now he has Big Mike. Big Mike's left arm is on the car pulling away still, and he's trying to pull away because now he basically just has his arm.
Q So the officer has his right arm?
A Yes, with the officer's left arm, he's out the window grabbing Big Mike's right arm.
Q Okay. So he has Big Mike's right arm, does he pull it inside the car?

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A I really, from the time of everything happening and once he said, I'll shoot, now my focus has switched and locked on the officer and say what he is saying he's going to shoot because in my mind I assume it is a taser. If it was going to be a taser, no matter who was in the wrong or who was in the right, if I would have saw that taser, I would have immediately told my friend Big Mike, look, just stop, stop moving, stop pulling away, just stop.

But because I saw the gun and the barrel, I've been shot before. It is the worse pain I can ever imagine, it does not feel good, because I saw the barrel, I went into a deeper shock.

Q You didn't think everybody should just stop when you saw the gun?

A I was praying, I was, I'm in such shock right now and firm, because when the officer pulled up and that's why I was trying to make clear people were, he's a witness, key witness. I was so victimized that people don't even understand.

There was a witness standing on their balcony, a witness drive by in her car, me being right there in the moment, I felt victimized because I felt so afraid that I couldn't talk.

I couldn't say what was on my mind

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because I'm so afraid of, I couldn't calm it down. I don't have the power to calm down the police officer and obviously Big Mike is bigger than me.

Q Let's just go back. I understand what you are saying about seeing the shooting like that, but when Big Mike's right hand or arm is being pulled into the car, I don't know if you said that or not, you said that the officer had his right hand with his, the officer's left hand had Big Mike's right arm?

A Correct.

Q Where is it, did you see it or not, where his right, where Big Mike's right hand was?

A I didn't see Big Mike's right hand because the officer had it, but it was up, so it may have been times when the officer could have pulled his right, because his left hand never removed off the officer's car.

So there could have been times when the officer pulled him, but like I said, because of the position how Big Mike has on the officer, officer never got out of the car, he is still sitting down. He has a better way of pulling with more force, so he is just pulling. I can see more of the officer's arm out the window than his arm in

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the window.

Q From your vantage point, you can tell if Big Mike's hand ever went inside the officer's car?

A No, because at the point, I'm back and forth, but when, I'll shoot, my eyes locked on the officer.

Q So where was, where were the hands, I'm interested in the hands and the arms?

A At that point when the officer said I'll shoot, now is like Big Mike, this hand is not on the car any more.

Q That's the left hand?

A The left arm is not on the car any more, the officer still has the right arm, but he's not inside the car. And when I look up and see the officer, the officer has his gun pointed, his left arm grabbed, he has his gun pointed aimed at Big Mike.

In my mind it was probably aimed at both of us, but I assumed he wasn't directly just trying to go for Big Mike. He had his gun pointed towards us. I'm still standing in the doorway and at the time he said I'll shoot. He was going to say it again, I'll shoot and almost, he didn't get to finish his sentence, the gun went off.

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Q At the time that the gun went off, where were the hands of Big Mike?

A The left arm was down at his side. He was standing straight up, I was standing right on the side of him. The right arm was still up in the air while the officer, but still pulling, but it is not like he got any, pulling off the car, he is still pulling the officer.

At this time, like I said, I see more of the officer's arm outside the car than Big Mike's arm inside the car, so he has a better position to pull away from, the officer was sitting down.

Q Just so I understand with the officer's left hand, he's pulling Big Mike's right arm into the car and Mike's pulling away and the officer has his gun in his right hand?

A Correct.

Q And he says, I'll shoot?

A Correct.

Q While this pulling is going on?

A Correct, yes, ma'am.

Q Okay. Go ahead, well, there is a question?

Real quickly,

When the gun went off as soon as he said I'll

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shoot, do you know if the gun was inside the car or outside the car.

A The gun definitely was inside the car when he fired the shot. How me and Big Mike was standing, we were standing straight up, so we definitely was outside the vehicle. The bullet came outside the car and struck him. He was never inside the car and got struck, he was outside the car when the first shot went off. The officer was inside the car, so the gun was inside the car, but when he shot the gun, bullet traveled outside his car and struck Big Mike in the chest, or I seen blood coming from.

Q (By Ms. Whirley) You are not sure where the wound --

A It struck him, I definitely know that it hit him, I saw the blood with the first shot.

Q Are you absolutely certain, I know you talked about being in shock and that kind of thing, this is very important, this jury is trying to get this thing figured out.

Are you absolutely certain that you did not see Big Mike's hands inside the officer's car in a struggle with the officer?

A Now, his hand being inside the car, I won't speculate on, like I said, there was times

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where the officer had a good pull and his arm would get in there, but majority of the time the officer really didn't have that much power because of the position that they both had. I'm not saying that he was stronger than the officer, but because the officer was sitting down in his car and Big Mike was standing up and he had better, more strength in pulling from the officer.

Q Right, can you go ahead?

A I never saw at no point in time Big Mike's hand touch the gun or anything like that because of the gun was already out drawn.

Q How about touching the officer?

A Now, touching the officer, now touching the officer, maybe, because they're pulling each other, but as far as striking the officer, or physically striking the officer, no, I didn't see.

Q You didn't see him with a fist?

A No, ma'am, he never had his fist clenched up like in a punching manner, so much as trying to grab stuff and push himself off of.

Q Could it have happened and you missed it?

A Him striking the officer?

Q Right, some type of physical altercation with the officer inside the car?

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A Like I said, I was standing so close and directly in the doorway with him the whole time pulling away, he never swung his left arm at all or never put the left arm inside the window, anything like that. And because the officer had his right arm, I'm almost positive that he couldn't like hit the officer because the officer has his right arm.

Q Okay. You said you were sure he never touched the gun?

A Yes, ma'am, correct.

MS. WHIRLEY: Go ahead, questions?

: . In here, what we heard earlier, you said that you could tell, you couldn't really see him, the officer, you said you couldn't tell what color hair he had, you couldn't see what kind of build he was, but because of his arm, you could tell that he was a certain, you could assume that he was a certain build. If you couldn't see the officer inside the car, is it possible that you couldn't have seen Big Mike's arm go into the car as well.

A I was going to say on that, the way they ask that question, they was basically asking for a description on the officer. And I told them that because I was in a state of shock, I couldn't give

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them a full description of the officer because when you are in shock, I'm not at this time focused on the specific details on the officer so much as making sure that I'm not in the line of fire.

What's going on?

A Yeah, I'm still standing right here, but I'm not like, he's got blue eyes, brown eyes, no. I step back, there is a gun pointed at you guys, that's how I'm acting like at this point.

. How tall are you?

A How tall I am? 5'6" or 5'7".

: How much you weigh?

A 123,125.

: You were standing to the right of Mike?

A Not in front, but on the right side.

: On the side?

A Yes, ma'am.

: How big was Mike?

A I really couldn't, I didn't know how big he was until I heard it.

: Can I tell you?

A Yes, please.

: 285 pounds and 6'4".

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He's a big, big guy.

A Yes.

With a big tummy.

A Yes, it wasn't so much his weight, he was like big in bulk. He wasn't like blabby fat.

: I don't mean, big tummy, or could be muscle whatever. You are a pretty small guy, I am a small person too.

A Okay.

: If I am close to her and she's fighting with them, and the other arm and I am here and I have the side of the car, the head rest on the seat, I don't know that I can see what happened with the hand whether he touched the gun or no. Describe the police or no. I don't see that you can have as much vision as you say. I don't think that you are lying, I think that you don't have as much of a good vision as you say.

A Okay.

It is difficult for me to understand that.

A And that's what I'm trying to make you understand because of where I'm standing outside the vehicle and how close I am to Big Mike and everything that I saw, the officer never got Big

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Mike inside the window. You have to think about someone sitting down trying to pull in a 6'9", 285 pound person.

You're not going to have that much ease with just, hey, get over here in this window. No, he's big, he's standing up, and the officer's gun is on his right side, I believe, because that's where he draw from with his right arm. In order for Big Mike to have touched the gun, it is almost like his whole top half of his body had to be inside the vehicle, and that never happened.

His arm, yes, but like I said, the officer had it. It wasn't like his arm was in the window free, the officer has his left arm on his right arm, so if he made a grab and got that far over there, it wasn't because --

So did you say he had the right arm, not the left?

A Not the left, the left arm never went towards the window whatsoever.

MS. ALIZADEH: Dorian, do you understand, I don't know, I'm not a physics person or anything, you know you kind of said to yourself that Mike Brown was, Big Mike was in an advantageous position and that he was standing on his feet outside the

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vehicle.

A Correct.

MS. ALIZADEH: And the officer is seated in his vehicle?

A Correct.

MS. ALIZADEH: Hard to figure out why he couldn't break free if the officer has him just with his left hand?

A Uh-huh.

MS. ALIZADEH: First of all, by the neck?

A Uh-huh.

MS. ALIZADEH: And then you said by his shirt?

A Correct.

MS. ALIZADEH: You couldn't just, do you understand it might be difficult to understand why he couldn't just, just the sheer weight of him if he had fallen over his shirt would have ripped.

A I understand that, that would almost be believable if the officer was somebody of my size. If the officer was a small person, Darren Wilson didn't look small from his arm and from his, like I said, I saw his top part. He never got out of the car for me to see his full body size. I could tell he wasn't a small officer. It wasn't like he could

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be overtooken (sic) very easily.

Once you have a grasp on something, I don't care if someone's really strong, if you have a good grip on it, you can pretty much hold on to a lot if someone's stronger than you, you can still hold onto a lot. Not his flesh so much more, but more his shirt. I'm not letting this shirt go sort of thing.

MS. ALIZADEH: Just to clarify, you didn't see him get out of the car, you saw him standing up and fully out of the car later, correct?

A The police officer?

MS. ALIZADEH: Yeah, right.

A Yes, I did, correct.

MS. ALIZADEH: So how would you compare him to how your build and height is? How tall did you say you are?

A 5'6", 5'7", 123 pounds. He was bigger than me.

MS. ALIZADEH: Okay.

A He wasn't so much bigger than me like Big Mike, but he was bigger than me. You can tell he was a full grown man, he was a grown man. He didn't look like he was fat, he looked like he was a little muscle, like a little training on him. He looked

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like he was solid muscle also.

I didn't see where he was very weaker than Big Mike, just so much as he had a bad position sitting down not even getting out of the car, again, to even confront. Just basically trying to, like he was trying to pick up a kid or something like that. It is still the whole ordeal more still looking like chastisement from a father to a son type of deal.

MS. WHIRLEY: Number 1?

: Yeah, . Just take a couple steps back, I'm trying to trace how this began. Again, he puts it in reverse, what did you say, from your point of view or perspective, are you saying that Officer Darren is the aggressor in this situation in regards to making that first grab or whatever that is first?

A Correct, yes, I am. He was the aggressor by initially just the way he reversed and opened his door and the grab, it was overaggressive. I felt like it wasn't needed.

If it was just regular backing up and just gently getting out of his car, we had no reason why we wasn't running no time before then, so we had no reason to run from him if he would have did it right if he was, you know, answering to a distress

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call and he did catch us, or catch him. He would have definitely locked both of us up at the time, but like I said, he never said anything about the store, he never got out of the car or anything like that, it was all aggressive.

: Okay, thank you.

Q (By Ms. Whirley) Okay. So the first shot goes off in the car while he has Big Mike's hand?

A Yes, ma'am.

MS. ALIZADEH: Right arm.

A At this time with the gun out, he don't have much of the flesh so much as his shirt.

Q (By Ms. Whirley) Okay.

A A real tight grip on his shirt now.

Q Does he have on a long or short sleeve shirt?

A Short sleeve shirt.

Q What about the police officer?

A The police officer, like I said, he had a short sleeve shirt on, yes. I seen his arm, his forearm, yeah, he had short sleeve shirt on.

Q So you told us the position of the hand when the gun goes off the first shot inside the car, he's in the car, the shot you said went out of the car?

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A Yes, ma'am.

Q Hit Big Mike and then what?

A When the first shot went off, we were so close and ringing, I've been shot before so instantly everything, emotions that I had, like I've been shot three or four years ago, so everything is still fresh. With guns, I really dislike them loud bangs.

At the time and seeing the fire come out of the gun and shot go off, when I see Big Mike, I see the blood come down his, where the officer had his right side. I'm on his right side, I see the blood come down.

I never looked at myself because I was so afraid I was like, oh, I saw him. My eyes got big, he didn't say anything after that. He kind of looked at my face and saw my eyes and at that time, that was when the officer let go and we were both able to run. That's when I turn and run. He was right behind me.

Q Which way did you run on the map?

A After the first shot took off, we both ran this way. (indicating)

Q Okay.

A Now, I was so in shock and so in fear, at

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that time now I'm just, I'm really afraid, I'm really afraid. I don't know if the officer's coming towards Big Mike or just towards both of us. Right now I'm just so afraid that the time I get past the first vehicle, I was in front of Big Mike when we was walking. When I took off running, I was still in front of him.

When I got to the first vehicle, which was like a Sunfire or gray Sunfire, so very small vehicle. The officer was not yet out of his car, he was still in his car because I was able to run to the car and like stand, not squatting real low, but I was standing behind the car, the Sunfire, but I know he was able to still see the back of my neck and hair and all of those things.

When Big Mike ran past me, he saw me, he looked directly at me he said, keep running, Bro. And at that time is when I kind of hear the door opening, I figure the officer is getting out of his car now, but before then, like I said, the officer was still in his car, I was able to run, squat behind the first car.

Big Mike ran, he was right behind me. He looked directly in my eyes and said, keep running, Bro. That's when I knew that I was still

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in plain sight. Now, the tension of me, I'm so afraid that I can't move any more, so I'm just standing there behind the first car now.

There is people in this car. Now there is people coming outside the house because they heard the first shot, there is not that many people. As Big Mike run past me and sees me, he keeps going. He makes it past the second car, once he gets to the second car, I can feel, I'm not looking around me because I'm so scared. I'm just standing there and I can feel someone approaching, so I kind of give a glance over to my right and it is the officer now, he's walking, he's walking, but he is kind of fast walking. He's not running or anything like that, but he has his weapon drawn.

Q Just like you are doing now?

A Yes, in this manner, his weapon is drawn and he's walking in at fast manner. He's not saying anything, he's not saying freeze, he's not saying anything at this time while still just concentrating, he is walking.

As I see him, I'm in plain sight, Big Mike was able to see me. He ran past me, keep running. I'm so scared, I cannot move my feet.

And I watch the officer walk past, he

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never even looked at me. He just kept walking past and I'm watching him and I'm in awe. I'm like okay, is he looking for us or is he going after him, but everything is in my head is just racing real fast because of the gunshot and I'm hyperventilating, my heart is pounding.

After he walked past me, I kind of stand up more. I'm trying to ask the people in the first car, could I please just let me in the vehicle, I stay in the same complex. You can just drop me off. They said no, and they pulled off on the sidewalk.

Q Where did they pull to?

A The first car? They didn't drive through the driveway, they pulled on the sidewalk to drive past the police officer. Once they pulled off, I was even more visible now. I'm standing straight, the officer's back is towards me, Big Mike's back is towards me and the officer because he is running away.

I'm watching the officer, he's walking and Big Mike gets past the third car, the final car before the second shot was fired. It was the second shot fired, pow, the officer shot. I don't know if it hit, I wasn't that close to see

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that it struck Big Mike, but the manner that he jerked and just stopped in his track, I sense that he was hit again.

The first time I definitely knew, I definitely saw him get shot the first time, he had been struck one time already.

The second time he shot, I didn't know if it hit him or not, but he kind of jerked and that's when he stopped running. He just kind of stopped and turned around at the officer. And now he's face-to-face with the officer, but not so close.

Now, Big Mike is probably, he's not fully at the driveway, but he gets probably to the curb of the driveway when the second shot, and now at the second shot, the officer, I'll just put DW, he's passing the third vehicle.

Q Where are you?

A At this time I'm still right here.

Q You are at the second vehicle?

A Yes, but I'm more over to the side now because like I said, I was trying to talk to the people in the front car. I was on the side of their car when I was trying to talk to them.

After they pulled off, I had to stand

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up and I was still in shock and now I'm just watching the officer, you know, pace towards Big Mike. I see him fire the second shot, I see Big Mike turn around and face the officer. And now the officer is past the last car and Big Mike is off the sidewalk now more in the street.

Q What is Big Mike doing?

A At that time Big Mike's hands was up, but not so much up in the air because he had been struck already in this region somewhere on this. It was like this hands is up and this hand is kind of like down sort of.

Q His hands were nowhere near his waist?

A No, his hands never went down towards his waistline or anything, like he didn't have a belt on or anything.

Q Was he sagging, was his pants sagging or you say he wasn't wearing a belt?

A Yeah, at that time he didn't look like he was sagging.

Q That's okay if he was, I'm trying to get the picture.

A At that time I wasn't looking for, I was looking more at him and the officer because how he stopped, I felt like he was shot again, so now I'm

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really fearing like, wow, he's been shot twice. Not knowing for sure he has been shot twice, definitely know he has been shot one.

Q Okay. The reason why I am asking you about the sagging, we probably all know the kind of, you know, how young folks do it.

A Yeah.

Q A lot of times when they are sagging, their pants are down so low that you can actually see the waist area.

A Right.

Q That's what I'm asking, was he sagging or do you recall?

A No.

Q Was not, but no belt?

A No belt on.

Q Did he have a weapon that day?

A No, ma'am.

Q Did you?

A No, ma'am, none whatsoever, anything like that.

Q All right. He turns around, show us again how his hands were?

A His hands, this one is higher, this hand is higher, this one is, like I said, he was

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definitely struck with the first shot. So I could tell he was injured because this hand was a little lower than this hand. As I'm looking at him, he said I'm, he didn't say I'm unarmed per se, he said I don't have a gun, but he's still mad, he still has his angry face. I don't have a gun.

And he goes, he never started running because, you know, he's hit, but sort of, I don't have a gun. And before he can say the second sentence or before he can even get it out, that's when the several more shots came.

Q How close would you say the officer was to Big Mike when Big Mike is saying to him, I don't have a gun. Like can you kind of show us?

A I can't be definite on feet.

Q Big Mike is somewhere here, and the officer is here?

A Yes. He's not on the sidewalk no more, he's on the street level now and the officer has, he's not so close to the third car, but he's like, he's not on the sidewalk on the other side, he's closer to the other side of the street, the opposite side of Big Mike.

Q You are where?

A I'm still standing right in plain sight

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standing on the side.

Q You can hear him say I don't have a gun?

A I can see him start to say something.

Q What did you hear him say, if anything?

A I heard him start to say I don't have, but you know, in my state of mind in my shock, I'm bouncing in and out. Time, in my mind slowed down and everything, I can see what is going on.

Q Let me just make sure I understand because this is important. Does he actually say, did you actually hear him say, I don't have a gun or this is what you are thinking he's trying to say?

A No, the first statement was I don't have a gun.

Q You heard him say that?

A Yes, I don't have a gun.

Q Okay.

A The second statement he was starting to say I, you know, he couldn't get the full sentence out before the rest of the shots hit his body. And I stood and watched face-to-face as every shot was fired and as his body went down and his body never. His body kind of just went down and fell, you know, like a step, you know what I'm saying? Like a step, his body just kind of collapsed down and he just

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fell.

Q Was he walking towards the officer as he was collapsing?

A He couldn't get a step off like. When he was giving his second sentence, what he was going to say, it was like he was going to step close to the officer, but like I said, before he could even get that sentence out, the rest of the shots was hitting him and he was going down.

Q And was shots being fired as he was going down?

A Shots was definitely fired while he was going down. The last shot he fired he was so close to the ground, it looked like to me he was already on the ground. His knees were, he was going down, he was already down before the last shot came.

Q So he never like got on his knees, he was just falling down?

A He was falling. I can almost feel the shots because like I said, I've been shot before. I'm so face-to-face with him being shot, I'm seeing his eyes blink and all of these different. It is making me relive the pain of coming through because I've only been shot one time.

I can see how many shots this officer

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is firing, it is sickening to my stomach, I'm almost bursting in tears right there. I threw up a little in my mouth initially. I got in my head that he's dead. When I see his body hit the ground, in my head I say he's dead.

At that time while he's on the ground, the officer is standing there, he doesn't look around like he's looking for me or anything like that, I'm still in plain sight. I never went anywhere until it clicked back to me that he may could be looking for you too.

Again, at that time, that's more fear for my life. I just seen him gun down and kill someone I was just walking with my friend Big Mike, I see that, I see with my eyes he killed him. Now in my head I'm wondering what is he going to do with me.

Q Let me ask you this. When he stopped shooting, what did he do, the officer?

A When he stopped shooting, the officer, he just kind of stood there.

Q Did he go check for, check his pulse?

A No, ma'am.

Q Did he check to see if there was a weapon anywhere?

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A No, ma'am.
Q What do you mean he just stood there?
A After giving the final shots, the rippling shots because there is only one rippling shots. Boom, boom, boom, boom, boom, he kind of stood there. And at that time I see him, and I see Big Mike on the ground, he's not moving, breathing or anything like that. I see the officer kind of just standing there, it wasn't for like a full two seconds when I took off running, I just --
Q So you didn't see the officer when he went back to his car or when he left the scene or anything like that?
A No, I didn't see him go back to his car or anything when I took off running. My building is right here, I was so afraid for my life that I didn't want to go to any other direction, so I took this direction all the way, all the way around. I went the longest way around to my house.
Now, when I got into my apartment, I wasn't there for a minute or two, my girlfriend is there, I'm hyperventilating, I'm still throwing up, I have been throwing up since I started running. I've been throwing up all the way along the run.
When I got there, she's trying to

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calm me down, but I'm telling her, I'm trying to tell her what just happened, but I'm so, I mean, I'm hyperventilating so much that I can't really tell her, and now I want to see did it really just happen, did he just die, was he just injured, did that just happened. So not a full two minutes --

MS. ALIZADEH: Excuse me, Dorian, do you mind because we have been going now almost two hours and the court reporter because his hands need a break.

A Okay.

MS. ALIZADEH: Can we take, because we still have a bit for you to do and if you need a break or restroom break, we'll walk you out here in a minute. Is that all right if we take like a five minute break so that the court courter can stretch his hands. You all can take a five minute break if you like.

(Recess)

Q (By Ms. Whirley) Okay. Dorian, you were telling us about, I think where we left off Mike Brown or Big Mike had fell down.

MS. ALIZADEH: Actually, Sheila, we had gotten to the point where he was back in his apartment and was now saying you were going to go

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out again that's kind of where.

A Correct.

MS. WHIRLEY: Thank you, Kathi. So go ahead and finish.

A Like I said, when I had got back to my apartment, hyperventilating, still trying to figure out. At the scene, I kind of pretty much assumed that he's dead. But when I ran to my apartment and I was able to kind of get it together, it wasn't a minute or two minutes, I came back out to check to see if he's all right, is he moving or, you know, did he really get killed.

When I came back out to the street, you can see where my apartment is, how close the street is. When I came back out, I came back straight away. Came back straight away, I got to about right here and I could still see that Big Mike was still laying in the street in the same position he was when he had got shot. But I did not see the officer any more, I saw his cruiser, his car was still there, it didn't look like he was inside the car.

I continued to walk along because now there is a lot of people outside right now. At this time when coming back now, there is a lot of people,

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but I did not see the officer any more, I did not see any officers on the scene.

Q (By Ms. Whirley) That is what my question was, so there is no police officers on the scene at this time when you walk back?

A No, ma'am.

Q So there is no tape of anything?

A No tape, nothing right at the moment. At the moment of me coming back, there was just Big Mike laying in the street, his car was still there, but Darren Wilson himself was not present any more, there was a bunch of other people congregating outside.

Q People from the neighborhood?

A Yes.

Q What did you do then?

MS. ALIZADEH: Can I ask a real quick question? When you were in the house, when you went back to your apartment.

A Yes, ma'am.

MS. ALIZADEH: Did you change clothes then?

A Yes, ma'am. When I got into the apartment, that's when I had changed my clothes. I'm sorry, thank you for bringing that up. Yes, I

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had changed my clothes in fear that he would see me when I came out, but I definitely had to come back out to see was he dead or not. I wasn't doing it, I was still in fear of my life. So I just changed, really didn't change that much I just put on different bottoms and tank top.

Q (By Ms. Whirley) How long were you in the house?

A Not even two, five, three minutes.

Q You didn't shower?

A I didn't shower or anything, I just changed my bottoms and put on a tank top.

MS. WHIRLEY: Okay. You had a question?

: You changed because you were afraid that the police would recognize you?

A Correct, yes, ma'am.

When you came back around and you were taking a peek at the scene, did you notice whether the other two cars that were in the traffic stop, were they still there?

A No. When I came back on the scene, the rest of the cars, the two cars, they had already pulled off, I'm assuming they pulled off. The car was still right there. They had to pull through the

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driveway or pull off like the first car just drive on the sidewalk.

Q (By Ms. Whirley) So the road was open between Michael Brown and the police cruiser, nobody else on the road?

A Correct, yes, sir.

: At any time from the first time the officer approached you and Mr. Brown to the time of his death, did he ever call for help?

A No, ma'am, the officer never got on his dispatcher or anything like that. He never even seemed like he really needed any help. We wasn't threatening his life in a threatening manner. I definitely wasn't doing anything like assisting Big Mike in pulling him away. It was more so just him and Big Mike, I didn't see him needing any help.

: . You said that you had crouched down behind that first vehicle?

A Yes, ma'am.

: You described a Toyota, are you speaking of a two door Toyota?

A Yes, ma'am.

Or a Pontiac Sunfire; is

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that correct?

A Yes, ma'am.

Can you tell me were you down on your knees like this, both knees, one knee down like this or what?

A Yes, ma'am. I never got down on my knees so much as crouch down slightly, just a little. I played football in school, so I got a good crouch. I was just basically standing there. I'm behind the car, but I know that I'm not low enough because the car is so small I didn't really want to get down on the ground. I was just really trying to stoop.

But once Big Mike looked me in my face as he is going by and says, hey, keep running, Bro. At that moment I knew this is not a good place to be, but I could not move because of fear and shock that I was. My mind was like go, run, go, but I was just like, uh, I couldn't move at the time.

: Is there any reason why you didn't want to get on the ground, you said somebody is shooting at you?

A Like I said, I'm so much in shock that I've been shot before and the time that I have been shot, I just kept running. I got hit running, so I figure if I'm going to get hit, I'm going to get

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shot, it might as well be trying to get away instead of laying there basically waiting for it to happen.

: Your back is to the car?

A Yes, ma'am.

: Your back is to the action so to speak?

A No, my back was to the car. At that time when Big Mike passed me, he passed in front of me. He past in front of me and he was still going and now at that time my back is towards the officer in the vehicle.

: Okay.

A Big Mike ran past me.

: You can see Big Mike?

A Yeah.

Your back is to the officer and the officer's car?

A Correct.

MS. WHIRLEY: ?

: . So we appreciate hearing your perspective and you are obviously very much involved in this. From your point of view, from your perspective, if you had to say, you know, what caused Officer Darren Wilson to

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fire all of these shots as you are pursuing Mike Brown, what would you say is the cause of that? Kind of from what you've seen and everything that happened, why would you say he was pursuing him?

A You are saying why didn't he fire the shots from the beginning or from the last couple shots?

: He is out of the vehicle and he is pursuing as Mike is running, why would you say, do you have any suspicion?

A I saw no reason possible for him to actually fire the weapon now. If he would just pull it out to threaten him to stop running, I could see him doing that, but I still didn't understand why he pulled a gun out to threaten somebody to stop him, but like I said, I didn't see no reason for him to fire the shots. The first one or the rest of the ones afterwards.

: Thank you.

So you mentioned that he never said stop or halt when Big Mike was running?

A Correct, yes, sir.

: So I guess the point where he fired the one shot and he turned around?

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A Yes.

: Leading up to that, you never heard stop, get on the ground?

A No, sir and like I said, I was still on the scene to the point where I could, I was still right in the area and the only thing that I heard was Big Mike tell me to keep running. After that there was no more words said by anybody, it was just shots fired.

: . I have a question. You said after the first shot, your ears were ringing?

A Yes.

: I've been in close range with a loud noise, I know it can take a while for your hearing to fully restore where it is like cotton or ear plugs, how well did you actually hear Michael Brown say, keep running, Bro, or was it really muffled to you. I guess where I'm going with this, if you really couldn't hear that well, were you able to hear the officer clearly if he was saying anything?

A Right, and I understand that. Prior to the first shot firing off and I got to the car, I guess the ring, like I said, I've been shot at

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before, I've been shot once before, but I've been shot at in crazy situations, walking home from school and all.

So the ringing affect from gunfire, it really didn't drown out everything because my adrenaline was pumping so hard, my mind is going so many different ways, like survival mode I should say. So once he says something, I can definitely hear, I'm like I'm locked in on him and the police officer, Big Mike and the police officer.

So once he runs by me and says, keep running, Bro, it is almost clear as us having a conversation.

As the police officer is walking by, he's not saying anything so much as focusing on where he's going because he never once glanced over at me like Big Mike did. Big Mike actually turned his head and looked at me and kept running. The officer walked past me and now that I'm not, I'm not crouched down lower than I was when Big Mike saw me, I'm still, is the officer going to see me or what is he going to do because I know he can see me. What is he going to say. He never said anything, never look towards me, he just kept walking past me.

Q (By Ms. Whirley) So when you go back to

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the scene to verify that what you thought happened did indeed happen, what did you do then when you see him laying, and there is no police there, what do you do?

A At that time I kind of stood back into the crowd of people that is starting to come out now because at that time now, police officer was coming. At that time it wasn't Darren Wilson who came back, it was some other officer.

He initially started putting up the tape around the area. At that time it was, he was by hisself.

So the family and people, I could tell it was his family. They were trying to get information from that officer who had just got on the scene, so he really didn't know anything that happened. So he's basically telling them to get back, get back, move away and move away. I'm just standing there like if this is his family and all they want to know is why their son is laying in the street uncovered. He wasn't covered at that time.

Everyone is taking pictures of him and stuff like that, he's not covered, he's bleeding everything, he's out in the open. The parents want to know why, they're asking this officer who is on

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the scene caution up, he's not telling them anything, he has no information. Darren Wilson wasn't there to tell him anything, you know, he was gone.

His car was still there, they actually had to take some caution tape over his car because they left it there at that time so his car was still there. It was cautioned off, but when I saw that they were not giving, you know, the parents what happened or anything like that and I was kind of waiting to see if they were, if anybody were going to come out to speak to them and say anything, no one said anything.

Q Did you make contact with the police to let them know what was going on?

A At that time I was real fearful, I was more scared of police. I should say I didn't want them to know when I ran the first time, everyone was saying well, there was somebody with him, he ran so fast we couldn't tell who it was, that's how fast I was running. Even people who see me every day in my complex didn't know it was me running.

Q Who was the first person that you talked to about what happened?

A I had, I went to his grandmother's house.

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She had just got out of the hospital and stuff. She is staying in Northwinds, when I see his uncle and all of them standing right there, I immediately all right, they are not going to tell these people anything, I have to tell their family. I was with him last, I saw what happened. So I went to his family only where he was living at.

Q His grandmother's house?

A His grandmother's house.

Q Did you actually talk to his grandmother?

A Yes, I talked to his grandmother.

Q What did you tell her?

A I told her exactly what happened. From the start of the morning all the way to the store incident.

Q What you told us here today?

A Yes, exactly.

Q So you went through the whole thing with the grandmother?

A I told the grandmother, yes, ma'am, grandmother, I think, I don't know if his auntie or uncle was there, but it was definitely the immediate family who lived there.

Q You told them?

A I told them.

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Q Okay. Did anybody talk about calling the police?

A They actually wanted me to walk down, that was my first interview. I don't know if it was Fox 2 or anything like that, the first statement that I've given. And that was the reason I gave it because the family they asked me if I could do it for them because they wanted to get it out immediately. Their words, so it wouldn't be covered up or misconstrued or any type of way. They wanted me to get it out there quickly.

Even at that time now, it's a lot, there is a strong police for now, there is a lot of police officers, detectives out there. While I'm talking to the camera, I'm talking to the camera crew right here in this area where the cameras are located at.

They taped off pretty much this area. They taped off so all of that was taped off, nobody could come through here or there or anybody like that, it was taped off. Police force strong right here and they are walking around, but I'm right here talking to the camera. The first interview, I'm talking to the camera, I'm talking to the uncles and they are standing right there. At no time no police

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officers came or looked for me or even was saying they were looking for me.

Q You talking about that particular day?

A Yeah, that day.

Q So you didn't talk to the police, you were so fearful?

A I was so afraid. I didn't know what was going to happen to me. I basically just didn't, really I didn't feel comfortable with Ferguson at the time. That was really who was out there at that time, there was a lot of Ferguson police officers and I just felt like, you know what, I don't need to be seen right now. I don't want to be detained in any type of way, you know. It was just a lot at the time and I was just in the crowd.

Even so, no one was asking for me or looking for me really, they was just trying to patrol the area what was going on.

Q Did you learn a day or two afterwards that the police were wanting to get your statement?

A I didn't, a couple, three or four days, it wasn't until I had my lawyer, that really was what my concern was, I wait until I got a lawyer so that I can, if they were looking for me, they wanted me. I can go to my lawyer, here is what happen. I have

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a lawyer right here that will represent me and stuff like that.

At the time I didn't have nobody representing me, I didn't have no one even caring if it was me there or not.

Q Like the next day, did anybody tell you that the police came to

A

Q looking for you to get a statement?

A I was actually there. No one came, I was there in my apartment that day, no one came, knocked on the door.

Q Not on the 11th, nobody came?

A Probably so because I don't know if I was going to stay there on the 11th. When I came out, the next day after this on the 10th, people thought I was dead. Because they said that they found a body, that is what happened, they found a body behind Dominoes. The media, it was out of control, people thought it was me.

When I came out of my apartment, people crying and oh, they killed him too and all of that. When some people saw me, like a neighbor saw me, he was like, oh man, they are saying you're dead. They said they found some body behind the

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pizza place, you need to get out of here, it is crazy.

So at that time my fear grew, not of just me, for my daughter and my girlfriend.

Q Did your girlfriend tell you that the police were looking for you to get a statement?

A She didn't see the police.

Q The police didn't make contact with your girlfriend to your knowledge?

A Not with her or me.

Q So when did you first talk to the police?

A The first police that I did talk to was the FBI and St. Louis County, and that was four days prior to them releasing the video, so four days before that, I had my talk with the FBI.

Q So that would have been the 13th of August probably?

A Yeah, the 13th.

Q Okay. And so, even though the county police, you know, the county police had taken over the investigation?

A Well, I was out there long enough to see the county actually come in and Ferguson leave, I saw all of that.

Q Okay. And the county police were trying

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to get you to get a statement, but you just weren't aware of that?

A At the time, no, I wasn't aware of that, that the county was looking for me or they wanted me for questioning or anything like that.

MS. ALIZADEH: Can I ask a question? Dorian, I know you talked about when you, you were right by the police vehicle and you see these three cars come up?

A Yes, ma'am.

MS. ALIZADEH: Did you notice were any cars coming from that direction?

A At that time, actually, through the incident, no cars were coming in that direction. There was no one trying to get over even though I could see the police squad car is on the opposite side of the line as well, but no one came. There was no one held up that way.

MS. ALIZADEH: When you ran after the police officer shot Mike and you ran away, you ran kind of around, did you run around the police car, is that the line you drew?

A That the tape, that's me here and that's run all the way around.

MS. ALIZADEH: So when you ran in this

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direction, did you say anything to anybody?

A Oh, no.

MS. ALIZADEH: Did you say anything?

A I didn't say anything, I was just running.

MS. ALIZADEH: You didn't say they killed my friend.

A It did come out, but I didn't get it out loud where someone would have heard it, I was just, killed my friend. You know, I was still hyperventilating, but it didn't come out a clear sentence to where somebody standing there would have heard it.

MS. ALIZADEH: You didn't see whether there were any cars right there that would have seen any of this?

A Oh definitely, the three cars.

MS. ALIZADEH: No, no, no, I'm sorry, on the other side of the police car?

A No, when I was running, I wasn't looking, I looked at the officer, I seen that he was still standing there, and that's when trying to figure out something in his head, let me run and I just ran. I just kept running.

MS. ALIZADEH: Okay.

: : I have a

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question for you. You talked about Michael Brown said something, exchange words with the officer during the tug of war at the car, you heard him say something. And you heard him say something towards the end right before he was killed, you didn't hear the officer say anything during that tug of war or anything during that entire time that he was coming down the street.

A I didn't hear him, no, when he was coming down the street after he got out of the car he said nothing, I didn't see his mouth move. I was there looking at him, his mouth wasn't moving, he didn't say freeze or anything like that before he fired the second shot, which made him stop.

And the car, because of the, I'm not used to seeing, I see police officers get into it with people before, I'm not use in that manner sitting in his car, tug of war and all of that, I'm not used to seeing it like that.

I'm not focused so much on what they said, so much as saying who was going to calm down, who was going to give in to the words because that is all it was at the car was just words. There was no physical altercation really as much as the pulling of the arm, but so much as words being said

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in a very aggressive manner.

Nothing like, no threatening manner like I'll kill you, or let me go or I'll punch you. Let me the F go, get the F off of me, and what the officer said, I couldn't really make what he was saying, I heard him cussing also, he had a very angry face.

: Once he exited the car, you didn't hear the officer say anything?

A Once he got out of the car after the shot was fired, he didn't instantly get out of the car when we ran, it took him like a minute maybe, or some seconds to get out of the car, that's how I was able to get to where I was able to position myself.

I didn't hear the door open until after Big Mike was passing me telling me to keep running. I hear the door and now, I didn't look back at the time, so I'm not really sure if it was his door or the people's door whose car I'm hiding behind, but I hear a door open and slam. And almost seconds later, I see the officer walking past me, so I kind of figure he was getting out of his car at that time.

MS. ALIZADEH: Dorian, you said it took almost a minute for him to get out of the car?

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A I wouldn't want to --

MS. ALIZADEH: I'm not pinning you to that.

A It is almost like it was a pause before he got out of the car.

MS. ALIZADEH: Okay. Now, you said earlier that he never radioed for help, is it possible while he was in the car, that's what he was doing?

A It is possible that little split second of him not instantly getting out of the car he was radioing for backup.

MS. ALIZADEH: You don't know why the delay in getting out of the car or if he was calling for help, you don't know?'

Q (By Ms. Whirley) And just to be clear, between the time that you started, your day with Big Mike at seven-ish and/or up to the time of the shooting, 12-ish or so, you guys never did get a chance to smoke the weed?

A We never got a chance to do anything. We never got a chance to make it back to the house.

MS. ALIZADEH: Were you two ever apart during that day, like where he could have been doing something that you weren't there to witness?

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A Yeah, those hours before I woke up and saw him, we didn't live in the same bed, same place.

MS. ALIZADEH: I mean, from the time you saw him in the morning?

A From the time I saw him, we was together from seven all the way to him dying.

MS. ALIZADEH: Okay.

: . You said several times that the police officer didn't say stop or freeze or halt or whatever, but he did say twice I'll shoot, I'll shoot you.

A He said it fully once. The second time he didn't really get it out before the shot. It was almost like --

The first time he said I'll shoot, his gun went off and the second time the officer pulled his weapon out and said the second time I'll shoot you. What did you think that meant, did you not think that meant to stop?

A When someone says I'll shoot?

I'll shoot you, when a cop says, police officer.

A When a police officer says I'll shoot, that doesn't mean stop or halt.

: Okay.

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A That means get out of the way, either get out of the way or protect ourself because, you know, if he really wanted to stop. They have a lot of phrases that they teach the first day at the academy halt, freeze.

I'm sure like you go through some type of simulation to where any, you know, any altercation they have they might already been through a simulation or something like that in training to where he knows how you are supposed to handle a situation as opposed to just pulling his gun on people who doesn't have guns drawn on him, who don't have weapons drawn down on him.

I'm not saying anything at all, he's not, he's yelling, but he's not making any threatening remarks towards the officer, so there was no need for him to draw his gun in the first manner, and that's what it really became. Oh, let me get away because now it is starting to get out of hand either furthermore the argument. And that was in itself and I see that you could of, I'm not going to say what he should of did or could have did because he's a police officer, what I do I'm a civilian.

All I'm saying is the gun definitely

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was, it was out of order. Could have been a taser, anything that made someone stop. The taser make me stop, anything less lethal than a gun. He could have pulled out the billy club to show he was going to use force if we didn't stop.

: Then you see they were the police say I shoot, you don't need to stop?

A If you're not doing anything wrong.

If you are running, you continue running when the police say I shoot?

A We wasn't running at the time, we was just standing there. If we had been running he said I'll shoot, oh, yeah, I'll stop. I don't want to get shot. We are standing still and someone draws a gun on you.

: What did he say the second time, I shoot?

A Second time was not running, we was still standing at the car. He said it first, he said I'll shoot, and when he said it the first time, he's just aiming at us, he's not, you know, out of his car, we are still standing right there. The second time he begins to say it, but he doesn't even finish it when the gun goes off, when his gun goes off.

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Why do you hire a lawyer, what do you think, why do you think you need a lawyer?

A Excuse me, I couldn't.

MS. WHIRLEY: Why do you need a lawyer, why do you think you need a lawyer?

A It was a very serious incident that happened. I know that it just wasn't the robbery going to be brought up, someone died, someone lost their life. Of course you want somebody representing you that is going to make you look like your story isn't told from a point of view that people pick away at your words or go off of what you said, your dialogue.

I would love to have a representative on the side of me that he takes my story and says it in a way that you'll understand it in dialogue that you will understand.

I'm 22, I don't know how old you are, there is some things I could say, you know, you don't really understand and that's why I would have a lawyer. I instantly thought that at the time.

: .

A Okay.

And I don't have money to

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hire a lawyer if I need it.

A I definitely don't either. It is a blessing to get to that age, I pray we all get to that age.

MS. ALIZADEH: So Dorian, let me clarify this to make sure. You are saying the officer fired one shot while he was inside the vehicle?

A Correct.

MS. ALIZADEH: And his gun was still inside the vehicle?

A Correct.

MS. ALIZADEH: And no part of Mike Brown's body at that point was inside the vehicle?

A Correct.

MS. ALIZADEH: And that's the only shot you heard at the car, correct, the only shot that was fired at the car?

A Correct, yes, ma'am.

MS. ALIZADEH: And then as Mike Brown ran away, the officer once he is going toward Mike Brown, he fired one shot?

A Yes, ma'am.

MS. ALIZADEH: And you believe that that hit Mike Brown at that point?

A Yes, ma'am.

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MS. ALIZADEH: While Mike Brown is running away?

A Yes. His back is facing me and the officer, Big Mike is ahead of us now. So he's the farthest one, the officer is behind him and I'm behind the officer, but basically Big Mike's back is facing both of us.

MS. ALIZADEH: Now, Mike is running, I guess, at this point, right?

A Yes, ma'am.

MS. ALIZADEH: Can you just stand up for me and show me what position Mike's body was in when you believe the officer shot him?

A The second time?

MS. ALIZADEH: Yes, from behind as he was running away.

A As he's running away, he's running with his arms down. Once the second shot fired off, I see his body do like a jerking movement, not to where it looked like he got hit in his back, but I knew, it maybe could have grazed him, but he definitely made a jerking movement. He didn't take a step after that, his next steps was turn around after the second shot.

MS. ALIZADEH: Okay. So when he made that

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jerking movement and you are assuming that he had been hit by a bullet?

A The second time. He was already struck the first time for sure with my eyes I saw blood come from his shirt.

Q Right. I'm talking about when you say you saw him do kind of a jerk?

A That would have been the second time he was hit.

MS. ALIZADEH: Okay. When you say you saw that happen, at that point his arms are not up, raised up, correct?

A Not when his back is facing, none whatsoever, no.

MS. ALIZADEH: Right, and then he stops?

A He stops and he turns around.

MS. ALIZADEH: And he turns around and his arms are going up as he is turning around?

A Yes.

MS. ALIZADEH: Okay. And then the officer, he doesn't proceed toward the officer?

A No, ma'am.

MS. WHIRLEY: Is he saying anything?

A At the time as soon as he turns around, he didn't say anything. A split second later, he was

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still angry because I know he could feel the shot. He could feel the first shot if he was only shot one time at that time, he definitely could feel that shot. Shot him right in the area because his hand couldn't really get up there. He was saying, I don't have a gun, pop, pop, pop, pop, all the shots came then.

MS. ALIZADEH: So from the time he turned around, he did not proceed towards the officer?

A No, ma'am.

MS. ALIZADEH: You have said maybe half step and then he went down?

A Half a step maybe, his foot was coming off the ground. He was being riddled with more shots and then caused him to tumble over.

MS. ALIZADEH: Let me ask you this. From the time you think he might have been shot when you saw the jerk, did he proceed to run any distance after that?

A No, ma'am.

MS. ALIZADEH: He stopped immediately?

A He stopped immediately after that. After that motion, pop, stopped, turned around.

MS. ALIZADEH: Is it possible that after you saw him jerk like that, he continued to run

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maybe another 20, 22 feet?

A Away from the officer?

MS. ALIZADEH: Yeah.

A No, after the second shot was fired, that literally stopped him in his tracks and turned around at that point.

MS. ALIZADEH: Then when you saw him turn around, is it possible that he ran, not ran, at that point he stopped running, right?

A Right.

MS. ALIZADEH: Is it possible that he moved maybe 20, 22 feet toward the officer before he fell?

A Not 20 to 22, not that far. Like I said, he was barely on the sidewalk, he was barely on the sidewalk to the parking lot. He was going towards this building. I presume that's the way he was running. He wasn't really all the way on the driveway when the second shot went off, and he turned around, and he was in the street.

He was taking a step towards the officer to show him that he didn't have anything, his hand was up, so he is showing the officer, I don't have a weapon on me.

And as he's walking toward the

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officer saying that in an angry manner, he was saying it an angry manner, he was hurt, still frustrated probably, so he's telling him, I don't have a gun. I don't have -- before he can say, you know, anything else, this man is riddled with more shots until he tumbled other.

MS. ALIZADEH: He doesn't like run at the officer?

A No, ma'am. At no point in time when he turned around he made a rush towards the officer or anything like he was going to tackle the officer or anything like that. He was standing straight up.

MS. ALIZADEH: He maybe got like a step you said before the gunshots?

A Before the several shots came. That was the only time it came repeatedly, boom, boom, boom, boom, boom, and he went down and that was it. He wasn't moving any more.

MS. WHIRLEY: I don't know who was first.

: . When the second shot was fired by Darren Wilson, where was he related to his patrol car, was he right next to his patrol car?

A The officer?

: Yes, on the second shot.

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A Oh, no. The second shot, like I said, once he got fully out of the patrol car, he never turned back to it or got back in it. He came away from the patrol car and like I said, feet and distances are rough to me right now.

I definitely know that his patrol car was in front of this driveway and in front of this building, and when he shot the second shot he was at the end of the building.

: . That being said, going the same direction, they found two bullet casings near the car. Do you have any idea, any speculation why they find two bullet casings at the car when you only heard one shot.

A I honestly do not know. He definitely only shot one time inside the car, it wasn't multiple shots. If they found, I mean, we don't have forensics both shells match his gun. If they did, I was lost after the first shot. That just shows how much more shock I was in because I definitely know he shot once, I wasn't aware of a second shot at the car.

MS. WHIRLEY: Yes, . So my question again, so you were talking about doing the turning

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motion when all the shots were fired, we'll see where the wounds are, my thought was from the turning, you were demonstrating the turning, I just want to make sure. I don't know if you want to show us, you are saying he is walking like this, you are saying that second shot came on this side and then that he turned?

A Yes.

: And the rest were on this side?

A Well, he was running away, I didn't see where the bullet struck him.

Okay.

A That's why I was trying to go back, but I definitely saw the officer fire his gun while his back was towards us, and both me and the officer, I saw his body jerk. If he was struck, I don't know if he was fully struck or he just grazed him, but that's what stopped him in his tracks from running away from the second shot.

: Thank you.

MS. WHIRLEY:

: . When you came back after changing clothes and you saw people were starting to come out at the scene, was anybody

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in the street between the patrol car and where Big Mike was laying in the street?

A Oh, yes, there was people crossing, no one actually got close to his body, but people were walking through the street, back and forth across the side.

They would get on the sidewalk as close they wanted to, but they wouldn't get in the street by the body. They got pretty close to get some real crazy pictures of his body.

MS. WHIRLEY: Was there anything stopping them from getting up to his body before when it first happened because you said there were no police cars there initially?

A Nothing stopped anybody from the public coming up to the dead body and just looking at it. It was uncovered, his body was not covered at the time, there was no police officers out there, nobody, just the squad car. And he was not there, there was no yellow tape. So people were just coming out their doors, kids, you know, there is a lot of kids out.

Just looking at the dead body, like he is right here laying in front of us, that's how people were able to walk up and look at his body,

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and take their phones out, take pictures of his body, was nobody telling them to stop.

At that time his family wasn't even out there. It is just a bunch of random people walking around coming out of that building, oh, it is a dead body in our street. They are walking up to it like it is a prank or something like that.

No, this is a real dead person, he's not covered, his pants down are by his knees, you could see the blood spilling from his top part, not out of his head, but you can tell that it is blood leaking because it is all coming from the top part.

I didn't even actually know he had got shot in his face and head until the autopsy report showed. I actually thought he just got shot in his upper region and chest. When I seen a puddle of blood coming from the top part of his body.

: Just to be clear, you did see people between the car and this body in the street?

A Correct.

MS. ALIZADEH: Dorian, you mentioned that you didn't know until the autopsy report, what autopsy report are you referring to?

A The private autopsy report that they

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actually, there was only one that they spewed to the public. It was the private autopsy where it said he got shot in his face. It came out and went back in, got shot in the top of his head. That's the only one that I saw that they was releasing to the public.

MS. ALIZADEH: Did you see an actual report or you just saying what you saw because it was on the news. I mean, they were speaking on the news, did you actually see a report?

A Like the documentation of it, no, ma'am.

MS. ALIZADEH: So you are basing that on what they said on the news?

A What the examiner said on the news, not the media, the private examiner that was hired by the family. And I'm sure his credentials follow him wherever he goes. I know he is not random that's doing an autopsy.

MS. ALIZADEH: No, and I'm not saying that. I'm trying to figure out.

A Where I did I get those --

MS. ALIZADEH: I'm sorry, you know that there was an autopsy done first?

A Yes.

MS. ALIZADEH: And then there was another?

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A Second one.

MS. ALIZADEH: And a third?

A A third, right.

MS. ALIZADEH: I was trying to figure out which one you were talking about?

A Correct, the family private autopsy.

MS. ALIZADEH: Okay. I'm sorry. Just one more. When you made your statement to the FBI, was that down at FBI or were you at the U.S. Attorneys Office?

A I was down at my lawyer's.

MS. ALIZADEH: Oh, your lawyer's office, that's right. Had you seen the autopsy report at that time or did you know, I'm sorry, I know you didn't see it. Had you learned the results of the private autopsy at that point?

A Not from the private autopsy, but from different witnesses account from where their perspective was, their point of views, like the girl on her third floor --

MS. ALIZADEH: Okay, we don't want to talk about what other people saw.

A That's what I said.

MS. ALIZADEH: Because other people will come in and say what they saw.

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A Yeah, so.

MS. ALIZADEH: My question was, when you talked to the FBI, we know that that was on the 13th, right?

A Correct, yes, ma'am.

MS. ALIZADEH: You hadn't seen, you didn't know any results of any autopsy at that point, did you?

A No, ma'am.

MS. ALIZADEH: Okay. I just want to clarify that. I don't know when you learned that stuff.

A Okay.

MS. ALIZADEH: All right.

MS. WHIRLEY: Another question over here?

: I have a question.

. You said you went home and you changed clothes so you wouldn't be recognize?

A Yes.

: Did you have any blood on your clothes

A No, ma'am.

: You were standing so close to him?

A No, I didn't have, like blood didn't

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splatter off of him so much as inside his shirt. I seen it pop up on his shirt, he had a white shirt on. So blood just trickled down his side.

MS. WHIRLEY: Anybody else? You Kathi?

MS. ALIZADEH: I just wanted to make sure before we're done today, put your name and the date of today's date on that map that you have been drawing on, okay?

A Yes, ma'am.

MS. ALIZADEH: And then also one final thing, Dorian, and I know that there are people that say that they've seen things, some have come forward and maybe some have not. And as we explained to you before this started, we're trying to get to the truth.

A Yes, ma'am.

MS. ALIZADEH: And so it is important if there is someone out there that says they saw any part of this, you know, we don't want the people well, yeah, I talked to somebody who told me this.

A Right.

MS. ALIZADEH: But people who actually saw this. Are you aware of anyone who claims that they saw any part of this who has not talked to the police or the FBI?

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A I'm frankly surprised they have so many witnesses to the actual event, prior to it happened, I only saw one person that was out there when the first shot went off all the way up to the last shot, I only saw one person. I wasn't aware of anybody and I only saw her because before the initial first shot when the police stopped us, she was on her balcony and I just happen to glance up and see her and she stood there.

MS. ALIZADEH: Do you know who she is?

A Yes, her name is .

MS. ALIZADEH: Besides her, do you know anybody who has said to you, man, that wasn't right, I saw the whole thing. I'm not getting involved. Is there anybody that you know of who claims to have seen it, but is not going to come forward on their own?

A Since the day all of this, of everything that happened, I haven't spoken to anyone in Canfield, per se. They really, I haven't seen, I haven't been in that area.

It was a hard time for me getting my things out of my apartment complex, so that's what I'm dealing with now actually because they don't want me consulting with nobody who may have heard

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something from somebody else that want to tell me something and stuff like that, I really don't know.

MS. ALIZADEH: The reason I ask you is that at some point, I want to make sure that we've heard, I don't want somebody coming forward down the road and saying, hey, they never contacted me.

A Right.

MS. ALIZADEH: You know, if you know somebody or later learn of somebody, would you let us know so that we can try to talk to them?

A I pray that they get resolved before then, but if someone ever came to me with evidence that they was there and seeing something that is not brought up already, then I would definitely relay them to you all.

MS. ALIZADEH: Just also to clarify because earlier you said you kind of knew some neighbors and stuff, and you saw on the balcony. Did you know her name before all of this happen.

A I met her as She had recently just moved there. I saw her moving in. I offered to help them. I saw it was just two girls, I offered to help them. She told me her name, she told me it was I later found out her full name.

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MS. ALIZADEH: So you had met her before that date?

A Correct.

MS. WHIRLEY: Is there anything you want to tell us that we just didn't think to ask that you think is important, is information about this case?

A Yes. Regardless of everybody's opinion of me, I know a lot of speculation of my past and criminal record that I have or anything like that, that day I felt like even though the store thing had happened, I didn't feel like someone should have lost their life.

I feel like the incident at the car with both Mike Brown and Officer Darren Wilson could have been resolved without deadly force.

We definitely wasn't posing a threat to his life. I just want, I just pray that everybody sees the evidence for what it really is. Deadly force was really not necessary, everything else, had he knew about the store incident, him stopping us, all of that that's protocol, I get that. Deadly force was never ever needed and I pray that people really see that we didn't have any weapons on us or anything like that.

He could be in jail right now.

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MS. WHIRLEY: You mentioned something, you know, the grand jurors may want to factor. You said something about a criminal record?

A Yes, because I stay watching the news and media outlets. I see they dug through years in my past to see an incident that happened in Jefferson City, but what they fail, they keep leaving out is I was a freshman in college at this time, everybody makes, you know, crazy little moves their freshman year. I was just beginning, I was getting out, I was breaking out of my kid years, you know, just being on my own around new people, Atlanta people, Washington people, people I never see on a daily basis, I'm from St. Louis.

So to hold that against me and Michael Brown on a day that has nothing to do with it, I feel like it is very wrong, especially for them not to dig two or three years prior and in Darren Wilson's file and see if any complaints were made against him. Basically all I keep seeing is slander on my name.

Q (By Ms. Whirley) We don't want to slander you, but we just want all the information you can get. What is the nature of the thing in Jefferson City, what happened?

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A There was just basically me walking with a group of kids that I knew, we were going to a YMCA to play basketball. I didn't have membership there. They actually had membership there. So we are walking through some apartments, one of the guys, you know, he grabbed a package and, you know, he ripped it opened. As we are walking towards the YMCA, I see a pool guy, he sees us, but he doesn't see anything in our hand or anything like that, but he sees us walking from out of the apartments going towards the gym.

So I guess whoever's package it was, they made the call saying someone had stole something off their property or something like that.

And I guess he took it in his own mind that I just saw these guys coming out of those apartments. When they went to run the YMCA cameras to see who had just recently walked in, I did not pay to get in, even though I was supposed to. I kind of just walked right on past, go down to the gym, play basketball.

And when the police came and they ran the camera back and they saw like he didn't pay or this group right here, they came down, they grabbed basically the last group.

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MS. WHIRLEY: Did you get charged with that?

A I did not get charged with it, I had to go to court on two charges.

MS. WHIRLEY: What were the charges?

A I had a false report to an officer, I had stealing charge that they were trying to see if I was the one that had stole it. I was going to court. At that time of me leaving court, I had been fed up with being stopped by off campus police and on campus police because of the stereotypical they look at people from St. Louis. And being stopped everyday, being late for class and having to remake up work, I just said you know what, Jefferson City school, Lincoln University was not for me at the time.

So I left, and still having to come back to court in Jefferson City, I've been getting a lot done down here in St. Louis. I don't have a charge for the City or County of St. Louis, but when they run my name, they see Jefferson City. They detain me sometimes, some police officers let me go. A couple police officers they detain me. Jefferson City, they never come and get me. The warrant is a 500 mile, my lawyer reached out to them, if you are

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outside 500 miles.
MS. WHIRLEY: 50 miles.
A 50 miles, we are not coming to get you. I'm sure the other police officers they see that, but they always detain me and they hold me.
MS. WHIRLEY: You were never on probation for that?
A When I got locked up, when I had got locked up, I got to the Jefferson City probation about the stealing, I guess I was in the middle of asking the judge can I do my probation in St. Louis because I was not from Jefferson City and in the middle of that we kind of lost contact, lost communication.
MS. WHIRLEY: It was probation, you had resolved it through probation?
A Right.
MS. WHIRLEY: Was it a felony or misdemeanor?
A It was a misdemeanor.
MS. WHIRLEY: Do you have an other convictions or felonies or misdemeanors?
A No, ma'am.
MS. WHIRLEY: All right.
MS. ALIZADEH: I just want, you had

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mentioned the stealing thing and then you said a false police report?

A Yes.

MS. ALIZADEH: Is that the same incident or was that a separate thing?

A That was the same incident with the officer who actually had me, he put me in the car, took me down to the station. I had both my school campus ID and my state ID in possession of me. When the officer asked me my name, I didn't say anything so much as just handed him my identification. I was mad at the time, again, I was a freshman in college, I'm kind of angry with the police, so I don't really want to say anything to them, but I know what he is going to ask me for my identification.

So I hand him my school ID and both my state ID at the same time. He is looking at both of them, he's looking at me. I have a very distinguished feature about me, I have one of my eyes, I have a cataract, one of them is blue and the other one is brown. It is like that on both my picture ID, I have distinguish color on my eyes.

So I'm sure he can see that, in my mind I know he can see it, I know he can tell that this is me, who I am. He actually called campus

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security from Lincoln University, they also came down and verified that's him, you know, we seem him walking around on campus. But because I never said nothing to the officer, he took that as disobedience.

And he was like, you are not going to tell me anything, so I'm just going to write down that you gave me a false report. Me being a freshman and not really wanting to talk to him, I just kind of shrug my shoulders not thinking too much of it until it got to court and it was like this is serious, but the judge, he threw that one out of court. I never got charged for that or anything.

MS. ALIZADEH: Okay.

MS. WHIRLEY: Anything else? Dorian, we appreciate you coming.

(End of the hearing for September 10, 2014.)

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State of Missouri
SS.
County of St. Louis

I, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to

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and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.

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COURT MEMO

Grand Jury- Ferguson Police Shooting

CERTIFICATE OF OFFICER AND
STATEMENT OF DEPOSITION CHARGES

DEPOSITION OF Grand Jury

9/10/2014
Name and address of person or firm having custody of the original transcript:

St. Louis County Prosecuting Attorney's Office
100 S. Central Ave.
Clayton, MO 63105

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St. Louis, Missouri 63101

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this _____ day of _____

STATEMENT OF DEPOSITION CHARGES

Commission expires

_____

Notary Public

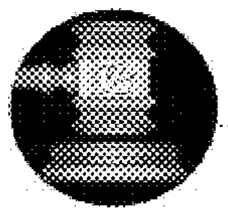
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Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume V

Date: September 16, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 16, 2014

VOLUME V

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IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 16th day of September, 2014, before

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APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

Assistant Prosecuting Attorneys for St. Louis County

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

(314) 615-2600

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GRAND JURY HEARING

MS. ALIZADEH: Good morning, everyone. This is September 16th, 2014, it is about 8:35 a.m. This is Kathi Alizadeh with the prosecutor's office, Sheila Whirley is present, as well as all 12 grand jurors, and the court reporter is present taking down and recording what is being said.

Some housekeeping notes to start. I'm going to pass out to you all, you all are going to receive a copy of a statute. It is section 563.046, and it is, it says law enforcement officers use of force in making an arrest. And it is the law on what is permissible, what force is permissible and when in making an arrest by a police officer.

I also want to point out to you, I know you have probably heard or know that there also is a joint federal investigation that's going on at the same time.

And several of our witnesses that you are going to hear from are also being interviewed by FBI agents or federal agents. And I want you to make sure you understand the issues that are before you, may be different than the issues in any federal investigation.

Their investigation involves civil rights

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violations. This investigation involves whether there is criminal liability on the part of the officer involved in the shooting.

So I can't tell you what the law is on the civil rights issues, but don't be confused about, you know, for example, what are the policies of the police department necessarily doesn't have anything to do with your decision. You certainly have the right to know these things if you wish to know these things, but keep in mind that there is a separate and distinct investigation going on by the feds involving civil rights violation or potential civil rights violation.

The other thing is, I messed up. I'm not perfect. Sheila will tell you that I'm not, but we've been marking our exhibits and normally when I have a trial I have all of my exhibits beforehand and I mark them all beforehand and I try to be very meticulous about my numbers. I have kind of been marking these as I go. This has all been coming in as we go, so I screwed up on the numbers. So I just want to clarify for the record in case you are keeping track of numbers.

Apparently I have two Grand Jury Exhibits 10.

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So one is Detective photographs, he's the crime scene detective that went to the hospital and photographed Darren Wilson and the other one is a disc that I played for you that had Dorian Johnson's recorded statement.

I'm going to keep photograph as being Number 10 and I am now going to make that disc of statements, it is going to be Number 17.

And then apparently I have two Number 9s. One Number 9, I don't know that I have used with you all yet. I have marked it, and it is a set of printed photographs that were taken by the morgue personnel, not the autopsy photos that we saw during Dr. testimony. These were separate photos that were taken by the employees at the Medical Examiner's Office in the morgue that are different than the autopsy photos. And those are going to remain Number 9.

The other Number 9 I have was a disc that had the news clips on it that we showed where Dorian Johnson had been interviewed or made certain statements on television programs. And so that disc is now going to be Number 16.

Unless you all see another issue or problem, I think right now we have 1 through 17.

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You might not have seen all of those, but as far as I know I don't have any duplicates other than that.

So I'll try to be a little more organized in numbering of the exhibits.

Does anybody see any other issues with duplicate numbers?

Okay. And then as we told you at the beginning of every day, we are just going to kind of give you a preview of what we are going to do. And so first we're going to listen to a recorded statement. The person being interviewed is a sergeant with the Ferguson Police Department, his name is He was the sergeant on duty on the date of the shooting and he was Darren Wilson's direct supervisor.

You will hear his statement. It is about an hour long. And then following his statement, Sergeant will be here to testify.

After that, we will present the testimony of Detective , who is a St. Louis County police detective, regarding an interview that he did of Darren Wilson.

And then we are going to present the testimony of

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And she is an FBI agent and she also did an interview of Darren Wilson.

Then we will also present a recorded interview of Darren Wilson for you to listen, that's about 30 minutes.

And then finally, I anticipate that the afternoon will have Darren Wilson testifying for you this afternoon.

The morning is basically going to be statements that he has made during this investigation from various people and then he will be here to testify and answer your questions in the afternoon, all right?

So with that being said, the next piece of evidence is a disc that I have marked as Grand Jury Number 18.

(Deposition Exhibit Number 18 marked for identification.)

MS. ALIZADEH: One of the things that I will tell you that these discs that contain statements of various individuals, I mean, you will hear me use these discs repeatedly because one disc might have 12 witnesses statements on it. I will make sure I preface before we begin to play it whose statement it is.

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When you put the disc in the computer and open up the file, it lists the names of everybody who has made a statement on that disc. They are pretty recognizable if you would have any need to listen to a particular statement, it would be easy to do that.

But there are a number of witness statements on each of these discs, that's the way we received them.

Also, we do not have a transcript of this first statement. I've listened to it and it is fairly clear. I don't think it should be an issue, but at any time you all can't hear it or want us to go back a couple of seconds or 30 seconds or a minute if you miss something, that's easy enough to do, all right?

We are going to play for you Grand Juror Number 18 and it is the recorded statement of Sergeant

(Statement is being played.)

MS. ALIZADEH: And as always --

And, again, this was Disc Number 18 that you heard a recorded statement of It will be available for you to listen to again at this time during your investigation.

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: . I want to just doublecheck make sure that audio was recorded and the interview took place on August 14th, is that what, I just want to make sure.

MS. ALIZADEH: I don't recall. I'd have to listen to it again since I don't have a transcript handy.

I thought they said the 19th.

: The date that the interview took place.

The date, I think it was the 19th.

: I have the 19th.

MS. ALIZADEH: We certainly can put that in and play the very beginning of it again just to clarify the date.

: Okay.

: August 19th.

: Okay. They got it in their notes.

: I trust her.

MS. WHIRLEY: Certainly can ask Sergeant he will be there.

MS. ALIZADEH: At any time you can listen

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to any parts of these.

(Recess)

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Would you state your name and spell it for the court reporter, please?

A My name is

Q Where are you employed?

A City of Ferguson Police Department.

Q How long have you been a police officer?

A 38 years.

Q Have all of these 38 years been with the Ferguson Police Department?

A Yes, ma'am.

Q Where did you get your training to become a police officer?

A I attended the greater St. Louis Police Academy in 1976.

Q And do you, are you a certified police

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officer?

A Yes, ma'am, I am.

Q And do you have to undergo regular training and updates to keep that certification?

A Yes, I do.

Q And currently, what is your rank with the Ferguson Police Department?

A I'm sergeant of police.

Q How long have you been a sergeant?

A December 2002, no, December 2001.

Q What are your duties and responsibilities as a sergeant with the Ferguson Police Department?

A Currently I'm a squad supervisor.

Q Were those duties similar in August of this year?

A Yes, ma'am.

Q 2014?

A Yes, ma'am.

Q Was Darren Wilson one of the officers that you supervised?

A Yes, ma'am, he is.

Q Now, just in the interest of full disclosure, you and I had a conversation yesterday about your testimony today, correct?

A That is correct.

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Q You've not prepared a report, an incident report in relation to this shooting, have you?

A No, ma'am, I have not.

Q So did I have you come in, and you and I talked about what you knew, what you saw, what you might be able to testify about, correct?

A That is correct.

Q And previously you were interviewed by a county detective as well as an FBI agent, an attorney from the Department of Justice, and gave a tape recorded statement; is that right?

A Yes, ma'am.

Q Now, I didn't play that statement for you yesterday, did I?

A No, ma'am.

Q And since you gave that statement, have you ever heard that recorded statement again?

A No, ma'am.

Q And do you think that the events of August 9th, 2014, are still clear in your mind?

A Yes, ma'am.

Q So that day we've heard, we know a little bit about the shift and how many officers were working that day, Darren Wilson was working on your squad that day; is that right?

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A That is correct.
Q And his shift would have been from 6:00 a.m. to 6:00 p.m.?
A Actually 6:30 a.m. to 6:30 p.m.
Q Is that the entire squad has that same shift; is that right?
A That is correct.
Q And we know that you received a call at some point to go to the area of the Canfield Green Apartments; is that right?
A Yes, ma'am.
Q And at the time that you received that call, you were on duty; is that right?
A Yes, ma'am.
Q And you were actually at a call at that time, correct?
A Yes, ma'am.
Q Did you know what the nature of why it was that you were being asked to respond to that scene?
A No, ma'am.
Q Is there any kind of code that your police department uses to indicate that there's some kind of critical incident that may have occurred?
A We have a J code, J-1 would be immediate response.

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Q Now, is Ferguson Police Department dispatched by their own dispatchers?

A Yes, ma'am, we have our own dispatching staff.

Q I want you to make sure you keep your voice up so everybody can hear you because with the fans sometimes it is kind of hard. That mike is recording, it is not necessarily amplifying your voice, okay?

A Understood.

Q So you don't go through county's dispatch, you have your own dispatching system, correct?

A Correct.

Q And are you aware that on your radios you can get county dispatch channels?

A We have several various channels on our in car radios and on our walkie-talkies.

Q As you are dressed today, you have a uniform on, is that how you would have been dressed that day?

A I was in short sleeves and no tie, but yes, ma'am.

Q And I see that you have a mike that is clipped to your epaulet on the shoulder of your uniform shirt?

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A Yes, ma'am.
Q Is that how you carry that all the time?
A Yes, ma'am.
Q And is there, is that mike attached then to a portable or mobile walkie-talkie?
A Yes, it is.
Q And does that radio on your belt have the same channels or can it get the same channels that your police vehicles can get?
A That is correct.
Q And so when you're on duty, is there a particular channel that you just stay on so that you can hear the radio traffic and what's going on in Ferguson?
A We have a primary channel and we are usually on that during our work shift.
Q What's the primary channel?
A The frequency?
Q Is there a number like?
A It is Channel 1.
Q Okay. Let me ask you this. When there are officers out in the City of Ferguson patrolling and an officer uses his radio on Channel 1 and says something regarding a call or just anything, hey, I'm going out of service, I am going to go get

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dinner, does everybody that's carrying a walkie-talkie hear that then?

A Not necessarily.

Q Do you know why that is?

A Well, the walkie-talkies are only 5 watt transmission power. If they are out in the far sector or far enough away from a receiver, not everybody will hear it. Dispatch will hear it because the receivers will transfer that message to them, but not necessarily broadcast it out through the entire area.

Q Okay. Now, you now know as you sit here today that there was an incident that occurred at the Ferguson Market shortly before this shooting incident involving Officer Wilson, you now know about that, correct?

A Yes, I do.

Q That day when you were in service and on duty, did you hear any radio calls involving a larceny in progress or that there was officers responding to the Ferguson Market?

A No, ma'am.

Q And is that, do you think that's because wherever, if there was a call made, that that was just something that you were out of range to

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actually have heard?

A It could have been because I was tied up with another situation that I was trying to deal with.

Q And so is it, and we've all kind of seen this, I think, as you are walking around, you can have the volume turned up on your mobile walkie-talkie so that you hear what's being transmitted, correct?

A That is correct.

Q Are there times when you might be interacting with somebody or in a situation where you turn that volume down so that that noise doesn't interrupt what you are doing?

A Yes, ma'am. Usually when I'm on the telephone or I'm trying to get control of a situation, I may turn the volume down so that they can hear just me speaking.

Q Okay. But at any rate, you didn't hear the call that came out if the call came out that there was something going on or taken place at the Ferguson Market, is that fair to say?

A Correct.

Q And then while you were on this call, you did receive a call to respond to the Canfield Green

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Apartment complex, correct?

A Yes, ma'am.

Q And was there any mention, did that call come to you from an officer or did that come from dispatch?

A That came from dispatch.

Q And prior to getting that call, had you heard any transmissions by Officer Wilson?

A No, ma'am.

Q And so when you got that call, was there a code with that call that meant respond immediately?

A I was told that I was needed at the intersection of Canfield and Copper Creek immediately.

Q Immediately?

A Uh-huh.

Q And so did you then finish up what you were doing or did you leave immediately and respond?

A I turned the scene over to the first responding officer and I left immediately.

Q So there was, the scene you were at at that time, there was another police officer also working that scene?

A Yes, ma'am.

Q And so you left then immediately and

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responded to the Canfield Apartment complex?

A Yes, ma'am.

Q And about how long, how far away were you, like how many minutes did it take you to get there?

A It took me probably about two, two and a half minutes. I mean, travel time, not travel time, but travel distance was probably three quarters of a mile.

Q Okay. So you were really close?

A Yes, ma'am.

Q And when you got to that location, you've been patrolling the street of Ferguson for 38 years, is that fair to say?

A Yes, ma'am.

Q Very familiar with all the streets and how to get around?

A Yes, ma'am.

Q When you arrived at that location, did you come in off of West Florissant down Canfield or did you come in like the back way through the Northwinds?

A Northwinds Apartment.

Q Did you come in the back way?

A No, I came in from West Florissant on Canfield.

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Q So when you were going down Canfield, at that point you are going east on Canfield?

A Yes.

Q I know Canfield kind of winds, isn't necessarily a straight shot, you are heading in the general vicinity of east?

A Yes, ma'am.

Q Were you in a marked police vehicle?

A Yes, ma'am, I was.

Q Did you go to the scene with emergency lights and sirens on?

A I don't recall. I believe the traffic was relatively sparse at that time, I don't believe it was needed.

Q Okay. So when you arrived at the scene, did you see Mr. Darren Wilson's vehicle?

A Yes, ma'am, I did.

Q Did you notice any other vehicles, whether it be police officer vehicles or other just civilian vehicles?

A I saw two other police vehicles.

Q All right. I guess for, as far as the police vehicles in Ferguson, we know that Officer Wilson had a Tahoe?

A Yes, ma'am.

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Q And did you also have a Tahoe?
A Yes, ma'am.
Q Are all the police vehicles in Ferguson Tahoes?
A Primarily the entire fleet are Tahoes, but we also have a secondary fleet of Crown Victorias.
Q So the two police vehicles that you saw there, besides Officer Wilson, which we've seen pictures of, were those also marked Tahoes?
A Yes, ma'am.
Q So when you got there, you notice Officer Wilson's vehicle, which direction was it facing in the street?
A It was kind of catty-corner to the, or angular to the traffic lane, but it was pointing more in a westerly direction.
Q Towards West Florissant?
A Yes, ma'am.
Q And were the lights on on his vehicle at all?
A No, ma'am.
Q Siren in his vehicle?
A No, ma'am.
Q What about the other two Durangos, (sic) can you describe where those were, were they on

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Canfield?

A Yes, ma'am, they both were on Canfield. Both of them were further east than Officer Wilson's location.

Q And when you arrived at that location, did you see a body?

A Yes, ma'am.

Q And was that, where was that body or where were those two police vehicles in relation to the body?

A One police vehicle was beyond the location of the body parked across the traffic lane to prevent any vehicle from coming that direction and the second car was parked off to the right side of the roadway.

Q So the vehicle that was, I guess, perpendicular to the street, that would have been farther east of the body; is that right?

A Yes, ma'am.

Q And the entire time from the time you got there until the scene was cleared, did you ever observe Officer Wilson's vehicle move or be moved, other than when it was towed away?

A No, ma'am.

Q When you arrived there, do you recall was

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the door to his vehicle, and I'm talking about Darren Wilson's vehicle, was any of the doors open?

A No, ma'am.

Q Did you see Darren Wilson?

A Yes, ma'am, I did.

Q Where was he?

A He was behind, he was on the driver's seat of the vehicle.

Q Of his vehicle?

A Yes, ma'am.

Q What about the other officers whose vehicles were at the scene, did you see where they were?

A I believe they were in a position to protect the area where the body was located.

Q Now at this time, and I know you don't know when everybody else got there, we know that two officers, obviously, responded prior to your arrival; is that right?

A Yes, ma'am.

Q Were those two officers, did you see them interact with Darren Wilson or did you see them talking to him at all?

A No, ma'am.

Q And did you, at that point have any crime

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scene tape gone up?

A No, ma'am, not at that time.

Q And at that point, were there any cones in the street or around the area?

A One of the officers had placed a few cones around to indicate location of possible evidence, but not all the cones had been placed out yet.

Q Okay. And I asked you if you noticed were there any civilian vehicles, I know it is an apartment complex and there is parking lots, but I'm talking about in the street itself. Were there any civilian vehicles that were stopped in the street when you arrived?

A No, ma'am.

Q Did you notice any pedestrians, civilians that were on foot in the area?

A There were several pedestrians about the area.

Q When you say several, when you first arrived, give me an idea how many you think, an estimate how many you would say at the scene?

A I'd say 10 to 15.

Q Okay. Now, we've heard that there was obviously a larger crowd that gathered during the day and that there was some unstableness in the

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crowd, but at this point, were those 10 to 15 people, were they interfering at all, were they creating a disturbance?

A They were making some noise regarding who the body was and it was at that point in time that I grabbed some crime scene tape out of my police vehicle, gave it to the two officers that were already there and told them to start setting up a perimeter to keep people back.

Q And so at this point it is fair to say that you didn't know whose body was in the street, correct?

A That is correct.

Q And none of the other officers at this point had identified who was in the street, correct?

A To the best of my knowledge, that's correct.

Q And then other people that were gathering in the area, people were wondering who it was because maybe it was someone they knew or a loved one of their's, correct?

A Yes, ma'am.

Q So there was some agitation or stress involved with people that were there, they were concerned about who that was?

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A Yes, ma'am.

Q When you arrived, was the body of Michael Brown covered?

A No, ma'am.

Q And so when you first arrived, were there any medical personnel, EMS?

A I believe they showed up shortly after I did.

Q And did the fire department also show up?

A Yes, ma'am.

Q And is that typical that when EMS is called, a firetruck or a rescue vehicle will also go to the call?

A It actually depends on the call. If it is a more critical call, such as a life threat, a heart attack, difficulty breathing, yes, they would respond with the EMS personnel.

Q So it is not unusual that on this type of call that the firetruck came too?

A Not at all, no, ma'am.

Q There was no fire or anything of that nature, correct?

A Correct.

Q Okay. Did those officers then begin to put up the crime scene tape to create the perimeter

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around the crime scene?

A The two police officers did, no other fire personnel or ambulance personnel.

Q Now, at this point is Darren Wilson still in the vehicle?

A Yes, ma'am.

Q Did he get out of the car when you got there?

A The only time he got out of the car is when I told him to get into my vehicle and leave the scene.

Q Okay. So he stayed in his own car until you told him to take your car and go back to Ferguson Police Department?

A That is correct.

Q So going back now, we kind of got the scene what it looked like when you first got there, what's the first thing you did when you drove down the street and saw Darren Wilson's car facing you in the street the way it was?

A I pulled off onto a driveway apron, right off the street, parked my car and then I walked over to speak with Officer Wilson.

Q So contacting Officer Wilson was the first thing you did?

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A Yes, ma'am.
Q But from where you were, could you see that there was a body in the street?
A Yes, ma'am.
Q And what did you say to Officer Wilson?
A I initially asked him what had happened.
Q Now, you and I talked yesterday about your recollection of Officer Wilson's statement. And we talked about the fact that sometimes when you are recounting a statement, you kind of like use your own words to paraphrase?
A Correct.
Q We also talked about that police officers have what we call like cop talk, where you use phrases and words that are typical in police lingo or vernacular, wouldn't that be fair to say?
A Oh, yes, ma'am.
Q And remember and recall that yesterday when you and I talked about this, it is important for today that you as best you can use Darren Wilson's words, don't try to paraphrase, don't try to put your spin on things. And I know I don't mean that you would do that intentionally, but if he didn't say that it was, you know, forceful or if he didn't use the words, try not to use your own words,

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okay?

A I understand.

Q And so when you walked up, the best you can recall your words were, what happened?

A That's what I asked him, yes, ma'am.

Q All right. And as best you recall, what's the first thing he said to you?

A He said I had to shoot him.

I asked him why?

He said he had been walking in the street, I told him to get off the sidewalk, or get on the sidewalk.

I said okay.

He said well, they told me to fuck off. I slowed my car down, or he slowed his car down and I told him, hey, all you got to do is get out of the street and get on the sidewalk.

Q Okay. Now, let me stop you. You're saying I told them, so you are talking as Officer Wilson and that's good.

A That is what he told me.

Q That's how I want you to do this. So speak as best you can the way Officer Wilson spoke as if you were Officer Wilson?

A Okay. And he said he stopped his vehicle

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and he said the individual laying on the street came up to the side of his car and started hitting on him through the window.

I said hitting you?

He goes, yeah, he reached in, he hit me on the side of my face several times, and grabbed at my shirt, grabbed at my hands and arms.

He said I was trying to get out of the vehicle and he wouldn't let me out, he kept pushing the door closed.

The individual reached in and was trying to grab at his pistol, his pistol came out of his holster. He told me he had control of the weapon, but it was being pointed at him. He had the gun in his hand, but the muzzle of the weapon had been turned where his hand was actually turned toward him.

And he said he was still getting hit with one hand at times and there was a struggle over the gun. He said the weapon was, he didn't get control of the weapon, but he was able to turn the weapon away from himself and the firearm discharged. He said the gun went off.

Q Is that how he described it, the gun went off?

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A The gun went off.
Q Or did he say I fired a shot?
A No, he said the gun went off.
Q Okay.
A He said at that point the individual backed up away from the car and Darren thought he actually got shot, he said I think I shot him in the stomach. And I looked at the side of the car door, and there was no exit on the door, it was just a dimple in the sheet metal.

I said what happened then?

He said he started running, I got out of the car to chase after him. He said he got down about 30, 40 feet from where the car was parked and for some reason the individual stopped and turned toward him.

I said okay.

He said, at that point he said something to the effect of, you're too much of a pussy to shoot me and turned, he had faced him and started to charge at Officer Wilson.

Q Did Officer Wilson use those words that he started to charge?
A Yes, along with, said he had had an angry look in his face or in his eyes and he says I know

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this man was bigger than me, I wasn't going to be able to fight him.

Q What did he say happened next?

A He said he shot him.

Q I asked him how many times?

A He says I think four.

Q Now, were you recording his statement?

A No, ma'am.

Q Were you taking notes as he was giving you his statement?

A No, ma'am, I did not.

Q After his statement, did you go back to your department and write down notes to help you recall the statement?

A No, ma'am, I did not.

Q So this is from your memory of August 9th as far as what Darren Wilson told you and what you saw, correct?

A That is correct.

Q And Sergeant have you been involved in investigations of police officer involved shootings?

A Yes, ma'am.

Q Have you investigated those incidents?

A Yes, ma'am.

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Q Have you also been the subject of an investigation in a police officer shooting?

A Yes, ma'am.

Q So you've discharged your weapon at someone in your career?

A Yes, I have.

Q And, in fact, the incident that we're talking about was the courthouse shooting involving ; is that right?

A That is correct.

Q Were you one of the officers that shot ?

A Yes, ma'am.

Q Following that shooting, I don't want to get into the details of that, but were you asked by other investigators how many times you discharged your weapon that day?

A Yes, ma'am.

Q And what was your answer?

A Three times.

Q And so you thought you had fired three times, correct?

A Correct.

Q Did you later after having downloaded your weapon or have your weapon examined, did you later

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discover how many times you actually did fire that day?

A Yes, ma'am.

Q How many times?

A Four times.

Q So on that day, you believed you fired your weapon three times and you discovered actually you fired it four times?

A Yes, ma'am.

Q And as you sit here today, do you still in your mind recall three shots?

A I still recall three shots.

Q And in your experience investigating officer involved shooting, is that unusual that the officer involved in the shooting does not accurately recount the number of shots that he fired?

A That is correct.

Q And I know you're not an expert and I'm not going to ask you about the mind of someone when they're going through that scenario, but you've actually been there, correct?

A That is correct.

Q You have a unique perspective that probably none of the other witnesses who are going to testify in this investigation have. When you are

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involved in that type of critical scene, what is your focus and what's your training tell you to focus on?

A You focus on your target. I'm sorry, not target, but you focus on whose angry at you, whose coming at you or whose trying to harm you.

Q So would it be fair to say that you focus on the threat?

A Yes, ma'am.

Q And is it unusual or typical, I guess, that you kind of lose focus of other things that might be going on around you?

A No, it is not unusual. You get kind of like tunnel vision. You only see, like you said, the threat.

Q All right. And so let me ask you this. When Darren Wilson told you about, for example, he said that there were two men walking in the street and he told them to get on the sidewalk, did he tell you whatever became or happened to that other individual?

A No, ma'am.

Q Did you see, we now know Michael Brown was shot dead in the street, did you see the other individual at the scene who might have been the

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individual that Officer Wilson saw walking with Michael Brown?

A No, ma'am.

Q Now, understanding how important this initial statement might be, is there a reason why you did not record his statement?

A Number one, I did not have a recorder. Number two, I didn't take notes because at that point in time I had multiple things going through my mind besides what Darren was telling me.

Q You've already said that before arriving at the scene you didn't even know that this was a shooting, would that be fair to say?

A Correct.

Q You didn't hear other radio traffic from other officers saying that there had been a shooting?

A No, ma'am.

Q So describe for the jurors how Darren Wilson appeared to you, his demeanor, first of all?

A He appeared in a state of shock. He was staring at the dashboard of his vehicle initially. It was only after maybe a couple of questions that he finally looked at me. I could see the side of his face, especially around his mouth starting to

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puff up and swell. Also the same thing along the side of his left eye, see a mouse starting to grow. His uniform shirt was disheveled, kind of pulled out of his waistband.

Q Did you notice any blood on him?

A No, ma'am, I did not notice any blood on him.

Q Did you ask him if he was shot or injured?

A Yes, I did.

Q What did he say?

A He said the only thing that he knew of was his face from being hit several times.

Q And you didn't see anything on him to indicate that he was bleeding?

A No, ma'am.

Q And so after you, at this point I'm kind of circling back now.

A That's okay.

Q He's told you that he pursued Michael Brown and Michael Brown stopped and turned in his direction and charged him. I'm just kind of catching up. So I know it was in a little more detail and then he shot him and Michael Brown went down on the street?

A Correct.

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Q What did Darren Wilson say he did then or did he say anything?

A He didn't indicate anything other than he called it into the dispatch.

Q All right. Now, when you were there, did you see anyone place a sheet over the body of Michael Brown?

A Yes, ma'am, one of the paramedics initially put one sheet over Brown.

Q Did you assist in that at all?

A Not at that time, no, ma'am.

Q Did that sheet completely cover the body of Michael Brown?

A No, ma'am, it did not.

Q Did you assist in getting other sheets to try?

A Yes, I asked a paramedic if he had another sheet so I could fully cover Mr. Brown up, and actually he handed me two.

Q Did you observe the paramedics approach the body and attend to the body of Mr. Brown?

A I saw one approach the body, bent down and I guess checked for life signs. He got up maybe 10, 15 seconds and just walked away.

Q Do you know what a strip is?

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A Yes, ma'am.
Q What is a strip?
A It is a cardiac monitor like you see on TV that indicates heart rhythm or no rhythm at all.
Q And you've seen paramedics use a strip before on someone that may still be alive?
A Yes, ma'am.
Q Or check for life signs?
A That is correct.
Q Did he do that in this case?
A They did not.
Q And other than that paramedic who had checked for life signs presumably, did you see anyone else, either law enforcement or any other civilians get close to the body?
A There was a, I believe it was a copper projectile about 3 feet from his foot, his right foot and somebody walked over there and put a marker to make sure nobody kicked it or disturbed its location.
Q Okay. So other than that, you didn't see anyone move the body, roll him over, reconfigure the way he was laying?
A No, ma'am.
Q And eventually, and you said in your

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statement that you were at the scene until the scene was done, which would have been after 5:00?

A It was closer to 6:15, 6:30, yes, ma'am.

Q And now you are aware then that the body of Michael Brown lay in the street under that sheet for several hours on that day; is that right?

A Yes, ma'am.

Q Is that, do you know the reason for that?

A After I made notification to command staff, I was recontacted and advised that St. Louis County would be handling the investigation and the crime scene and I had to await their arrival. Once they arrived, the crime scene was relinquished to them.

Q And then any decision about what would happen with the body, that wasn't your decision or anything you had to do with, is that fair to say?

A That is correct.

Q Were you the most senior ranking Ferguson police officer at the scene that day?

A Uh, I had two lieutenants show up later on shortly after, maybe around 1:00 or so.

Q Now, you testified that you made notification, who is the first person you called?

A Chief of Police.

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Q Did you speak with him or leave a message?
A I had to leave a message on his cell phone.
Q Who is the next person you called?
A Lieutenant Colonel
Q Did you speak with him or did you leave a message?
A Left a message for him.
Q Whose the next person you called?
A Captain
Q Did you speak with him or leave a message?
A Left a message.
Q Everybody, it is Saturday afternoon, correct?
A Correct.
Q And so then who is the next person you called?
A Captain
Q Did you speak with him or leave a message.
A I spoke with him.
Q And after speaking with him and telling him what the situation was, did you make any other notifications after that?
A I contacted Lieutenant and I believe that was the last contact I made.

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Q All right. Now, you've already said that at some point you told Darren Wilson to get into your vehicle and go up to the Ferguson Police Department?

A Yes, ma'am.

Q And what was the reason, are you aware that an officer involved shooting, typically the officer remains on scene until investigators come and walk through the scene with him?

A Yes, ma'am.

Q Why didn't you have him remain at the scene?

A The crowd was growing rather rapidly. They were very agitated and for the safety of the officers on the scene and for Officer Wilson, I had him leave and go to the police department.

Q So you had him get in your vehicle and go to the police department?

A Yes, ma'am. I left his vehicle where it was, where I found it and told him to take my car and go back to the station and wait for a supervisor.

Q And after he got out of his car, did anyone, did you enter his vehicle?

A No, ma'am.

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Q Did you look inside the vehicle?
A Yes, ma'am.
Q And why were you looking inside the vehicle?
A Just to see what I could see. If there was possible evidence or anything like that.
Q Did you notice glass inside the vehicle?
A Yes, I did.
Q Did you notice any bullet holes inside the vehicle?
A I saw a bullet into the door panel of the driver's side door, yes, ma'am.
Q Did you see any shell casings inside the vehicle?
A No, ma'am, I did not.
Q Any blood inside the vehicle?
A No, ma'am, I did not.
Q Now, to be clear, you're not actually a crime, you're role is not to document the scene and, you know, you knew other officers were going to be processing that vehicle, didn't you?
A Correct.
Q In fact, I think in your statement, but you do as a part of your job place cones or other markers around pieces of evidence if you see them,

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correct?

A Yes, when I got the crime scene tape out, I had obtained some traffic cones from another responding officer's vehicle, I marked a few items that I could.

Q And you knew that another officer then was going to document those items, correct?

A That is correct.

Q After Darren Wilson left the scene, did you see him again at all that day?

A No, ma'am, I did not.

Q Now, we've heard that you said in your statement that you had contacted Darren Wilson after this time, after this date just to say hello and how you doing; is that right?

A Yes, ma'am.

Q Have you and he ever since that day had a detailed conversation about what happened?

A After his interview and my interview with Justice and FBI and U.S. Attorney and St. Louis County, he asked me if he could tell me everything that happened. I told him, yeah.

Q So was this in person or on the phone?

A On the telephone.

Q And do you recall, you said it was after

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the FBI talked to you?

A Correct.

Q And did you only talk to the authorities investigators one time?

A Yes, ma'am.

Q And then you said to your knowledge, he had already talked to the investigators; is that right?

A I asked him if he had been interviewed by them yet, and he said he had.

Q And so he told you his version or the story of what happened?

A Yes, ma'am.

Q Now, is there anything about this second version, I don't mean to use the word version like it is different or implying that it is different, his second time telling you what happened?

A There was some more things that he added.

Q Details that he added?

A Yes, ma'am.

Q Was there anything inconsistent with what he had told you previously?

A No, ma'am.

Q Now, just to summarize, that day on the scene he told you that he fired or that the weapon

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went off?

A Correct.

Q One time while he was seated in the vehicle?

A Correct.

Q And he didn't describe shooting his gun while he was running after Michael Brown?

A He did not say he shot at Michael Brown while he was running at him.

Q And then he describes after Michael Brown turned around, a series of shots that he fired at Mr. Brown?

A Correct.

Q And you said he said maybe I can't remember if you said four or five?

A He said he thought he was shot, discharged four rounds.

Q Okay. Now, when you had a subsequent conversation with him, did any part of that change, did he tell you any more details about the number of shots?

A No, he said he had learned that he had fired more than four shots. I didn't specifically ask him a number, but he said he was told that he fired more than he thought.

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Q Okay. So you didn't talk with him about how many shots were in the vehicle, how many shots were out of the vehicle, whether there was a pause and then more shots or anything like that?

A That is correct.

Q Were there any details in this second conversation with him that are or changed the perspective that you have about what happened?

A No, ma'am.

Q Is there anything, so you had an additional conversation with him about what happened?

After that, did you have any other conversation with him about what happened?

A No, ma'am, not about what happened, but I have had other conversations with Officer Wilson.

Q Okay. And Officer Wilson is still on administrative leave; is that correct?

A That's correct.

MS. ALIZADEH: Does anybody have any questions?

MS. WHIRLEY: I have a few, this is Sheila Whirley.

Q (By Ms. Whirley) Have you ever appeared before this grand jury before?

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A Multiple times.
Q This particular grand jury that is sitting here today to your knowledge?
A No, ma'am, no.
Q You have not?
A Not before this grand jury, no, ma'am.
Q All right. Regarding Canfield Green Apartments, you have been in the community for over 38 years. Did you know the relationship that the police had with that community?
A I have responded to numerous calls, I've assisted numerous calls over there.
Q Was it known what the relationship was between the community and the police?
A We, as far as my squad and myself is concerned, every time we responded over there, we responded for whatever the call is, we handle the call and we left.
Q Was it a relationship that was friendly or did the residence --
A Business relationship.
Q Business.
A A business relationship. I mean, some of the officers knew tenants and whatnot from previous encounters.

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Q Okay. So there was no understanding that the residents just hated the police, it wasn't like that?

A No, ma'am, no.

Q So when Officer Wilson, well, first of all you said you did not hear him ask, announce on the radio that shots were fired?

A No, ma'am.

Q At any point?

A No, ma'am, I did not.

Q You did not know that a shooting had even occurred until you were told to go there?

A Until I arrived on the scene is when I first learned there were shots discharged by an officer.

Q How did you get the call to go to the scene, what were you told?

A I was told I was needed at the intersection of Canfield and Copper Creek as soon as possible or immediately.

Q Nobody said what for?

A No, ma'am.

Q Okay. Did Wilson ever tell you that, because you said you have talked to him a couple of times since this has occurred?

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A Uh-huh.

Q And in more detail recently, your last talking was more in detail, correct?

A My last conversation with Darren was about ten days ago maybe.

Q He was a little bit more detailed over the phone during that conversation?

A During the conversation that I had with Darren was probably five or six days after the incident.

Q Okay.

A That's when he was more, a little bit more detailed.

Q More detailed. Did he talk about anything about the stealing that occurred at Ferguson Market that he was stopping these two to investigate that?

A He said he did not have that call, that call I later found out was given to Officer

Q Did he know about it, did he talk about knowing about the stealing?

A He did not know anything about the stealing call.

Q He told you he did not know anything about the stealing?

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A He did not know anything. He was out on another call in the apartment complex adjacent to Canfield Green.

Q Okay. And so when he's stopping these two it is strictly about the sidewalk, it has nothing to do with him investigating the stealing of Cigarillos; is that correct?

A That is correct.

Q Did he indicate that he was angered at all when he was told to fuck off?

A Well, no police officer likes being told that. I don't think he was angered as much as he was just taken aback by it for no reason whatsoever.

Q Is that like a sign of disrespect, I would feel disrespected if somebody told me to fuck off?

A You know, respect toward the police nowadays is not like it used to be. Most of the time it is under their breath or just barely within earshot, but evidently at this point in time it was told quite directly at him.

Q Okay. Did Wilson indicate, Officer Wilson indicate that when he chased Michael Brown, that assistance had been called for at that point?

A He did not indicate to me, no, ma'am.

Q Did you have any understanding or any

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knowledge about how it occurred regarding him chasing after Michael Brown whether or not assistance was on its way or anything like that?

A No, ma'am, I don't know.

Q Okay. Now, have you ever known Officer Wilson to discharge his weapon?

A Not to my knowledge, other than on the practice range or the firing range at the police department, that's the only time I know he's ever discharged a weapon.

Q Have you ever known him to get into a physical altercation with a suspect?

A Only when the suspect had initiated the resistance.

Q You do know of a particular incident where that has occurred?

A Yes, ma'am.

Q What happened in that situation?

A Officer Wilson was able to gain control of the individual and put him in handcuffs before assistance arrived.

Q Was he alone?

A Yes, ma'am.

Q Do you know what transpired why there was even a physical altercation?

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A It was a suspicious vehicle call, occupied suspicious vehicle. And when he walked up to the car, he could smell an odor what he associated with marijuana and he told the driver to get out of the car, at which time he did. When he was trying to take him into custody is when the resistance occurred.

Q That's the only occasion you are aware of?

A He's had minor ones with other officers, exactly who, how it started, you know, I know of one where an individual resisted the arrest with Officer Wilson and another one of my officers and the subject ended up having to be tasered in order to comply with the officers.

Q Did Officer Wilson use a taser?

A No, ma'am, he did not carry one.

Q It was known that he did not carry a taser?

A That is correct.

Q It wasn't required that he carry a taser?

A No.

Q What about mace, did you know of an incident where he maced an individual?

A Never.

MS. WHIRLEY: Anybody else have any

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questions? Go ahead.

: My question is, did Officer Wilson, did he state specifically that it was Michael Brown that made those derogatory or offensive comments to him or did he indicate if it was Dorian Johnson?

A He did not indicate to me who made the comments, ma'am.

I see.

I've got a couple questions. Did Officer Wilson indicate at all that he said anything to Michael Brown as he was chasing after him?

A He yelled at him to stop or halt, but nothing more than that.

: Are those the words he used stop, halt?

A I don't know, I believe he just told him to stop.

: Okay. Did he indicate at any point when he, right after he had first contact with him and told him, asked him to get out of the street, that at any point he had to reverse his car back towards them?

A I believe he did go backwards, reverse his

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automobile for a short distance, then stopped. Asked them again to get out of the street.

: Okay.

MS. ALIZADEH: Sergeant I just want to clarify. I know you know things about what happened, I want to make sure that we're clear on this. Are you saying that you know that that happened because you've since learned that, or are you saying that Officer Wilson that day told you that he reversed his vehicle?

A Officer Wilson did not tell me that day that he had to do that.

MS. ALIZADEH: Okay.

A I've learned that through a later conversation.

Q (By Ms. Alizadeh) So when we talk about things that he says he did, I want to make sure it is clear to everybody, you know, to clarify whether or not it is something that he knows happened because of subsequent investigation or if it is something that Officer Wilson said to you.

I also want to clarify something else and I'm sorry to interrupt, but it is along the same lines. You testified that when Sheila asked you some questions, Miss Whirley, that Officer Wilson

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did not know about the stealing that was going on or had just occurred at the Ferguson Market.

Now, my question to you is this, are you saying that because he told you he didn't know about it or you saying that because he didn't mention it to you when you were talking to him?

A He did not mention it to me again. I learned about it at a later time.

Q Has he ever told you, yeah, I didn't know anything about what happened up at the Ferguson Market?

A Yes, he has told me that in subsequent conversations.

Q He told you he didn't know about there being a stealing at the Ferguson Market?

A Correct.

Q Okay.

: Just one last follow-up,

Did Officer Wilson at any point say anything or infer at any time that maybe he thought that Michael Brown was under some type of influence of something?

A No, sir, he did not.

: . My question goes back to Officer Darren Wilson's first

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call to dispatch, which initiated a call to you. You know, I understand from watching the news when someone calls 911, the recording is timestamped and there is an audio recording. In this instance or in a regular instance, when an officer calls dispatch, is there any sort of timestamp or recording, or secondary recording so we would know exactly what that call would be or when that call took place?

A Yes, all of our incoming calls, including radio traffic, is recorded digitally. That would be available to the investigators through our communications supervisor.

: Are you aware of what that original call would have been when he called?

A His original call?

: Uh-huh.

A I have since learned what it was, is that what you want to hear?

: Sure.

A It was a sick case on Glenark was the street. Again, next apartment complex over is Northwinds Apartments and Glenark is small, like eight apartments on that street. He responded to a sick case at that location.

: . Again, my

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apologies, I might not have made myself clear.

After the shooting of Michael Brown, was that call when he dispatched that first call, was that again recorded that you would have known what the call would have been for him to call dispatch and say XYZ happened?

A Yeah, I believe the answer to that question would be yes. When he called it into dispatch, he would have probably told them what was going on and what happened.

MS. ALIZADEH: I'm sorry, just so you all know, we have radio calls that we'll be playing for you at some point in this investigation.

MS. WHIRLEY: Let me follow-up on that real quick.

Q (By Ms. Whirley) Do you have any knowledge that there was a radio call that has been recorded and seized that where Darren Wilson is saying shots fired, asking for assistance before he gets out of the car or around the time this is happening?

A No, ma'am.

Q There is no recording that you know of that exist?

A I know there is one exist.

Q You do?

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A Yes.
Q Okay. Do you know where we might get it?
A The communication supervisor at Ferguson Police Department can provide it to you.
Q Okay, all right. Thank you.
MS. ALIZADEH: Sergeant just to clarify, have you ever heard the radio calls, have you ever listened to them?
A No, ma'am.
Q (By Ms. Alizadeh) So it is important that you testify about your own personal knowledge and not what maybe somebody has told you that you believe. Would it be fair to say that you don't know what those calls consisted of because you have never heard them, right?
A I don't know what the calls consist of, that is correct.
Q And maybe somebody told you that there is a call, but you have never heard that yourself?
A No, ma'am.
Q Whatever those calls would be, they would have been recorded and burned on a disc for purpose of this investigation, could that have occurred?
A Yes.
MS. ALIZADEH: Okay.

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MS. WHIRLEY: . : At the beginning when you were speaking, you said an incident report was not filed?

A I'm sorry?

An incident report was not filed?

A I did not complete any report regarding this incident because St. Louis County was handling the entire case.

In your recorded statement, I believe I heard you talk about a Use of Force Report?

A Yes, ma'am.

That's different?

A That is something different, yes, ma'am.

: Okay. At the beginning of your statement here you talked about a code, is that J-1?

A There's radio code for immediate assistance.

Okay.

A That's J-1.

: Okay. When you get those, you don't if an officer that's down, a

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civilian that's down or something in progress. You just know you are needed somewhere right away?

A Correct.

: You didn't use your lights or your siren?

A No, ma'am. Like I said, the road traffic, I had pretty much of a clear lane to get there.

Okay. And do all the officers have mikes on their uniform or the radios in the car?

A We all have radios in the car.

Okay

A Majority of the officers wear their mikes up high so that they can hear it and respond relatively quickly.

: And you say that Officer Wilson was in his car with the door shut when you arrived?

A That is correct.

: Okay. This is the first time we heard about too much of a pussy to shoot me. In your recorded statement, we didn't hear that. Did you learn of that after your recorded statement or is that just something that you are recalling now?

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A I recalled that since my recorded statement.

: Okay.

A But I believe my recorded statement was taken three or four days after the event.

: Okay.

A I was working 12 plus hours a day.

I understand. Is it still, you still stay with the fact that Michael Brown had his hands up and was charging?

A That's what Darren told me he was charging at me.

This question is not meant as any disrespect, but your recorded statement you said that, um, you have to ask stupid questions like how this could be prevented?

A I'm sorry?

: In your recorded statement you said that you are required to ask officers stupid questions like how could this incident be prevented?

A That's on the injury report.

: You feel that's a stupid question because you feel your officers don't have any other choice?

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A Correct.

When you are in that kind of situation?

A When you are physically attacked unprovoked, I believe how could he prevent this is a stupid question.

: Okay, I'm done.

MS. WHIRLEY:

: . Several questions.

A Yes, ma'am.

My first question is, when he was alone, when he left the scene of the crime, Officer Wilson, why was he left alone, why didn't another officer escort him back to the police department?

A There was another police officer on light duty at the police department who could sit with him.

: Say that again?

A There was another officer who, station bound. So there was an officer there who could sit with him until a supervisor got there.

: My question is, why wasn't

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he escorted by another PO considering that even though he left the scene of the crime, that someone could have noticed him and followed him, but yet he wouldn't of had any backup or protection, he still would have been left alone?

A I had, let's see, Darren made, Darren made my sixth officer for the day and that includes myself.

I already had three other officers and myself at the scene, I had another officer still out on a call. So I only had one officer that was left on the street. I honestly, truthfully, I didn't have the manpower to send somebody with him.

: Okay.

A But yes, you are correct, somebody could have followed him. But also on our radio we have Country Club Hills and Calverton Park. If there would have been a problem, there would have been other officers in the area from those two agencies that could have responded.

: Okay. My next question was or is, I seen pictures of the car, Officer Wilson's car. I only seen a little shattered glass that was on his driver's side seat?

A Uh-huh.

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: Did he ever mention that the glass was half cracked, half down, or all the way down?

A He never told me what the window position was, ma'am.

: Okay. My last question is, after the incident, the crime was over and you had time to go back to your office, did you ever think to read Officer Wilson's history prior to coming to your department or when he came up under your leadership to understand his previous history?

A Anything that happened prior to his employment should have been covered by the officer who did his background investigation.

Now, I don't know who did his background investigation preemployment. I did speak with his supervisor prior to him coming to my squad and ask what kind of officer he was. And I believe I was presented with a few training certificates that he had obtained while he was on the other squad, but there were no corrective measures or any disciplinary notes or anything such as that in what I was given.

MS. WHIRLEY:

: How many

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officer involved shootings occurred in Ferguson say in the last ten years?

A Last ten years?

: Yeah?

A I believe one, maybe two.

: So they're a rare occurrence and not an every day --

A They are very rare occurrence, sir.

: Okay. Thank you.

: Is it standard procedure basically for only one officer to be on patrol at any given time by themself or do you do double duty where there is two officers so you have a ready backup in case of a situation that inflames?

A On a perfect day I would have seven officers out there.

: Uh-huh.

A I have four assigned sectors, which would be three cover cars to assist plus myself.

Uh-huh.

A So basically we would have two officers respond to most every call depending on what the call is naturally.

Yes, ma'am.

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: . I just need clarification. Did Officer Wilson have blood on his hands?

A I did not see any blood.

: Okay. In the written, in the recorded statement we learned that he washed his hands because there was blood on them and he was checking for injury or the spread of infection?

A Whose recorded statement?

: Your recorded statement.

A It had to be something I learned after that day.

: All right, thank you.

: . Also to clarify. I want to make sure when you told Officer Darren Wilson to get in your vehicle and go back to the Ferguson Police Department, at that time he was still currently wearing his uniform he had on at the time of the incident and his gun was with him when he went back to Ferguson?

A His sidearm, yes, he carried his side arm back to Ferguson holstered.

: And at that point, I guess, you were at the scene, you wouldn't have known what happened to that gun or who would have

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processed it or his clothes or anything because you were at the scene?

A At that point in time, no, sir, I would not know.

: Okay.

MS. ALIZADEH: Any other questions?

MS. WHIRLEY: I just have one. Whose decision was it to call county in to investigate?

A It was the chief of police's decision.

Q (By Ms. Whirley) This is pretty standard when there is a shooting, you say you have been involved in a few shootings, do you generally have another department investigate it or do you investigate it yourselves?

A One of the previous, or the one, I should say the two that I investigated, we investigated them. This one, well, the first two were only, they were not mortal wounds, they weren't fatalities.

I believe the chief made that decision because of, it would be better to have an outside agency such as county or state police to do the investigation to show that we were not trying to hide or cover up anything.

MS. WHIRLEY: Okay.

Q (By Ms. Alizadeh) Sergeant I know

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you've said to me at least before, I can't remember if you testified today that you don't recall what time you got up to the scene, the time it was?

A Correct.

Q But assuming that we know that the shooting occurred somewhere like a quarter after noon, give or take a few minutes, but I'm just trying to use that as a reference, how long was it before you saw county officers responding up at the scene?

A Uh, I believe the first one arrived on the scene anywhere from an hour to an hour 15.

Q So were you privy to the decision to call county into the investigation, were you talking with the superiors when that decision was made?

A No, ma'am.

Q So whoever made that decision, you don't know when that decision was made?

A That is correct.

Q But you were at the scene for about an hour to an hour and a half you said?

A Hour 15, yeah.

Q Before you saw county arrive?

A Correct.

MS. WHIRLEY: I have one last question.

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In your statement to, I guess it was Officer who did you give a statement to that was recorded?

A Detective

MS. WHIRLEY: Okay.

A And, I believe, Detective

MS. WHIRLEY: Okay. I believe you said in that statement that Officer Wilson told you that Michael Brown took off running and then he stopped and raised his arms and charged him?

A Yes, ma'am.

MS. WHIRLEY: Did he indicate to you how he raised his arms, how Michael Brown raised his arms?

A May I stand up?

MS. WHIRLEY: Sure.

A It was like this, like he was going to charge at him. (indicating)

MS. WHIRLEY: Okay. So he raised his arm in a charging motion?

A Correct.

MS. WHIRLEY: Did he say at that time he shot him?

A He told me when he took the step forward.

MS. WHIRLEY: He shot him.

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A He knew he couldn't fight this man.

MS. WHIRLEY: Okay. So at the time when he had his hands raised and he was charging at him, he shot, but it wasn't at that time he didn't have his hands like going for a weapon.

A I don't remember, I don't recall.

MS. WHIRLEY: Okay. All right.

A Yes, ma'am.

. Did Officer Wilson ever say he saw any blood coming from the victim?

A No, ma'am. Yes, sir.

: . When Officer Wilson discharged his weapon, did he say how close they were in proximity, how close they were?

A No, sir, he did not.

: . You mentioned before that protocol that all officers would go to the FTO, the field training. And in that, do the officers are they ever taught in a situation, maybe similar to this, to shoot to injure instead of shooting to kill?

A You shoot to neutralize the threat.

MS. ALIZADEH: Any more questions?

Finally, Sergeant the last thing I

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want to ask you, is there anything that you think this grand jury should know about this incident or that you know that maybe we didn't ask you. I don't want anybody walking away from here saying well, they never asked me that or anything like that. Is there anything that you think would be important for this grand jury to know that you haven't told them yet?

A I've worked with Officer Wilson for two and a half years. He's been under my supervision that long.

Darren is a very easy going individual, always has a smile on his face. Doesn't go trying to start trouble or look for trouble, does a good job.

I have very little supervisory hours dedicated to Darren Wilson. He knows his job very well and he does it very well.

My opinion, put in this circumstances, I don't know what I would have done. I probably would have done the same thing.

So, I mean, Darren did not just all of the sudden go from trying to chase this guy down and take him into custody to deciding just to shoot him because. So, I mean, Darren is a good officer.

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MS. ALIZADEH: Anybody have anything else that they want to him?

All right, thank you Sergeant

(Completion of Sergeant testimony.)

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q Detective, spell your name for the court reporter, please?

A

Q All right. Detective you are a police officer with St. Louis County Police Department; is that correct?

A That is correct.

Q How long have you been a police officer?

A Approximately eight years.

Q And you are currently a detective, so how long have you been a detective?

A Two and a half years as a detective.

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Q Have you always been with St. Louis County Police Department?

A Yes.

Q And you are a certified police officer?

A Yes.

Q What does that mean?

A That means that I've accomplished the training required by the State of Missouri to be a commissioned police officer.

Q You must have ongoing training?

A Correct.

Q And you have the power of arrest in the State of Missouri?

A I do.

Q Okay. Now, you know why we are here?

A I do.

Q Okay. So tell us how you became involved in this investigation?

A Prior to this incident that we're here today on, I was called in to work to assist with an investigation that occurred, it was an attempted robbery that occurred at St. Anthony's Hospital on August 9th, 2014.

Q Okay. Go ahead.

A While I was there, we were finishing up,

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and my sergeant, Sergeant received a telephone call and was requesting our unit to respond to the City of Ferguson and assist with an officer involved shooting.

Q At the time did you know that there was a dead person involved or it was just a shooting?

A What I knew that it was just an officer involved shooting.

Q You didn't know who the officer was?

A I did not.

Q Before I go further, you've testified in front of this grand jury before; is that correct?

A Yes, I have.

Q Okay. Unrelated to this particular incident though?

A Correct.

Q This is first time you have testified regarding the Michael Brown shooting?

A Yes, ma'am.

Q All right. And you have met with Kathi Alizadeh and myself before; is that correct?

A That's correct.

Q Regarding this incident?

A Yes.

Q Because you are working this incident?

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A Correct.
Q Have you developed or written a police report yet?
A No.
Q Okay. So you just taking notes as you go or what's going on with that?
A Yes, basically we take notes as we go. We transfer that to a memorandum to the case detective.
Q Okay. And that's how you keep track of what's occurring here?
A Yes.
Q And what was your role as a detective in this case?
A Initially I responded to the scene, and the way it works with the information we had at the time, all the detectives assigned to my unit responded to the scene. I believe I was the first car, the first one of the St. Louis County police detectives to arrive, and I made contact with Sergeant who is a county police sergeant, St. Louis County police sergeant, assigned to North County Precinct. He was there within the crime scene, that's the first person I contacted.
Q You said the crime scene, we talking about Canfield Green Apartments?

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A Yes, within the crime scene tape.
Q Where the body was laying?
A Yes.
Q And the police vehicle was positioned?
A Yes.
Q All right. And about what time did you arrive there?
A I believe the arrival time was approximately 1:30.
Q For you?
A For me.
Q And you were the first county officer on the scene?
A Yes, I was shortly trailed by the rest of the detective bureau by minutes.
MS. ALIZADEH: Let me clarify, you weren't the first county officer at the scene, but the first detective?
A Yes, first county police detective assigned to my unit that would be responsible for initiating the investigation.
Q (By Ms. Whirley) Okay. But there were other county officers on the scene when you got there?
A Yes, that's correct.

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Q Do you recall when you would have gotten a call to respond there?

A I believe the time was about 12:40, 12:43, in that area, is when Sergeant received the call. As it was, we were all standing together when he received that call and then after he got done with the phone call, he immediately dispatched us to the area.

Q Now, is it unusual for St. Louis County to investigate a shooting that occurred in another municipality?

A No.

Q Is it pretty standard?

A It is standard. If we are requested to respond and assume the responsibility of the investigation, we will do so.

Q All right.

A If requested to by that department.

Q And that's what happened in this case, you were requested?

A Yes, ma'am.

Q All right. Let's go back to what your particular duties were regarding this investigation.

A Sure. When I arrived I contacted Sergeant and essentially what we do is try to get as

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much knowledge as we have at the time.

He had advised me that the medical examiner had not been notified yet and that's when I requested them to do so.

Typically the way that it works with our police department is the personnel from the division of patrol, which would be the uniform police officers are responsible for making that notification.

So once I found out that that wasn't done, I immediately made that request.

Q So when you arrived, the medical examiner had not been notified?

A To my knowledge, no. Sergeant informed me that they had not been.

Q How about EMS, the emergency personnel?

A I was unaware if they had responded yet at the time. My main concern was making sure the medical examiner was dispatched.

Q Because when you arrived, it was determined that Michael Brown was dead?

A Yes. So if subject is deceased, then the next step would be to contact the medical examiner.

Q Describe the scene when you arrived, you said it was 1:30-ish or so?

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A Yes.

Q Describe the scene for us?

A As I arrived, I came down West Florissant and then turned, it would be east on Canfield Road. The entire street was lined with cars, both civilian cars and other police cars from St. Louis County. I believe there was a Ferguson car there and multiple other jurisdictions, to where I was unable to even make it to the actual crime scene. I had to park some distance away, I don't know the exact distance, but some distance away and walk up to the crime scene.

Which is a little atypical than what we're used to. Typically we drive right up to the crime scene tape, park outside of it and then we can enter the crime scene there.

There were multiple people, I can't quantify how many, but people were walking towards that area as I was walking up as well, and that's when I entered the crime scene.

Q Could you hear people talking? I don't want to assume, was there a crowd, are you telling us, a crowed of people?

A There were, I would say small pockets of people around the entire crime scene. When you ask

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about if I could hear anything that was being said, I just wasn't paying attention to it.

Q Okay. Did you see Darren Wilson at the scene?

A I didn't know who Darren Wilson was at the time, I learned later he wasn't there.

Q He was not at the scene?

A Correct.

Q Was it your job to make any contact with him?

A Eventually it was. Essentially what happens in an investigation of any kind, is that the detectives will basically come together and a case detective will be assigned. In this case detective was the case officer.

Q What does that mean, case officer?

A He'd be essentially the person that would orchestrate and dole out assignments and be responsible for the investigation as a whole. He would be the one that would be writing the report and like I said, making the assignments for other detectives to do.

Q So you were assisting in the investigation, he was the case agent or officer?

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A Correct, that's correct.
Q All right. So you said it was going to be your job to make contact with Officer Wilson?
A Yes. I was directed by Detective to.
Q Detective ?
A Detective .
Q
works with St. Louis County?
A Yes.
Q Darren Wilson who is the officer involved in the shooting?
A Yes, Officer Darren Wilson.
Q Okay.

A Yes, ma'am.
Q So you did, Detective told you to make contact with Darren Wilson?
A Yes, he informed me that police officer Darren Wilson was currently at the Ferguson Police Department and then instructed me to respond there and conduct a cursory interview with Officer Darren Wilson.
Q Tell us what is a cursory interview?
A Essentially what a cursory interview is it

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is an interview that is, it is detailed enough to where I and the other detectives would understand the sequence of events that occurred.

It is to tell us and inform us where evidence might be located within the crime scene and we use that as an investigative tool.

Q Do you tape cursory interviews?

A No.

Q Why not?

A It is just common practice that we do not. It is basically an interview where I would approach the individual, and it is done so even not just a police officer involved shooting, we do them on almost every investigation. Just to understand what that person saw and what happened to better assist us within the scene.

So that's kind of the reason we do that.

Q Okay. Was it your responsibility to seize any evidence at the scene?

A No. I was at the scene for maybe ten minutes and then I was dispatched to Ferguson Police Department.

Q Because you needed to talk to Darren Wilson?

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A Correct.

Q So do you go to Ferguson on your own?

A I do.

Q By yourself you go to Ferguson, what happens then?

A Then I enter the Ferguson Police Department. You enter on the street level and then I went upstairs to their common area. I did knock on the door, allowed entry by Lieutenant Colonel who is a lieutenant colonel with the Ferguson Police Department. And he escorted me back to the Ferguson Police Department detective bureau, which is a room about half the size of this.

Q Was anyone in that room?

A Yes, there was Lieutenant Colonel I was then introduced by him to police officer Darren Wilson, an attorney and Detective

Q Do you know what their roles were we know Darren Wilson why you were there to talk to him, do you know what the other folks were there for?

A I assume that had just been working that day, I never even asked. It didn't seem important at the time.

Q It wasn't relevant to your investigation

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what these other people were doing?

A Correct.

Q Did you talk to Darren Wilson in front of these other people?

A I made basically just an introduction to Darren Wilson. When I saw him, he was wearing full uniform which consisted of a Ferguson Police Department button down shirt and then dark blue slacks. He then directed my attention to his duty belt, which was off at the time sitting on the floor.

Q I'm going to come back to the duty belt. I want to know you did talk to Darren briefly?

A Very briefly, not about the actual incident at that time.

Q At that time, so all the people were allowed to remain or were there with you these other people that you mentioned?

A They were.

Q In the same room?

A Yes.

Q So where was the duty belt?

A It was on the floor next to a desk right next to where Darren Wilson was standing.

Q Did he have on a weapon?

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A At the time, no.
Q At that time?
A No.
Q Did you see the weapon?
A I saw, he had informed me that after he responded to the police station, he had packaged his weapon and then he directed my attention to an evidence envelope, which appeared to be sealed, it was on the desk of Detective
Q You didn't inspect that envelope though?
A No, I did not.
Q So do you know whether there was even a gun in the envelope?
A At that time I did not.
Q But at some time did you find out there was?
A I did.
Q So he told you he packaged it?
A Yes.
Q And did you ask him why he packaged it or did you discuss that at all?
A No.
Q Okay. Did he volunteer why he packaged it?
A No.

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Q Is that uncommon? Have you ever been involved in an officer involved shooting before?

A I have not been involved in one, but I have investigated multiple.

Q Okay. That was a better way to answer, I didn't ask the question right. Because you've never shot anyone, is what you are telling us?

A That's correct.

Q But you have been involved investigating those shootings?

A Yes.

Q Is it customary for the person who was involved, the officer that is involved in the shooting to handle and package their own gun as evidence?

A Well, with the St. Louis County Police Department it is something that's not done, however, we were called to investigate another police department's incident. So at that time we were unaware of any policies or procedures they have in place that when we get there basically we have to find out, I guess, and explore the possibility that maybe that's part of their policy.

Q Did you explore that?

A At that time, no, I did not.

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Q At any time?

A No, I did not.

Q So you don't know what their policy is?

A Correct, I do not. I just knew that police officer Darren Wilson had told me that he had packaged the weapon and it was currently in that bag. Now, at that point in time I never checked to verify that, it was done later.

Q Okay. In an investigation such as this, ideally what should happen with the officer's gun?

A The way that, I can only speak to the way St. Louis County would handle it.

Q Sure.

A Is that that officer would continue to have his weapon in his holster until a detective from the Crimes Against Person Unit, which is my unit, a supervisor and a crime scene unit detective would conduct what we call a download of the weapon. And that's an inspection of the weapon to determine how many rounds are left inside of the weapon.

So what would happen is we would ask the officer to remove his weapon from his holster, the magazine would be ejected, we would count the number of rounds in the magazine, if there are any. Then we would ask him to move the slide to the rear,

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which would eject a round if it was chambered, and what that means is there would be a round of ammunition in the barrel of the weapon.

Q Okay.

A And then that would be photographed as those steps were taking place.

Q Would the gun be returned to the officer?

A No, the weapon would then be seized by our crime scene unit detective.

Q Until the investigation?

A Typically what would happen is that it would go directly to our firearm lab. They do a test fire, inspect the weapon and then at that point it would be returned to the police officer.

Q Okay. So you're at the Ferguson station, you see a weapon, the officer is dressed in his uniform?

A Uh-huh.

Q Did you see any blood on the officer?

A At that time, no, I did not.

Q Did you see any injuries on the officer?

A I did.

Q What did you see?

A I could see there was reddening to the left and right side of his jaw and it appeared that

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the right side was slightly swelled, like the cheek area, those are the two injuries that I saw initially.

Q Did he talk to you about any injuries?

A No, that's just what I observed when I met him.

Q Just to clarify, I don't know if I've asked you this before, did you know Officer Darren Wilson before this incident?

A No, I did not.

Q So that was your first time you had encountered him?

A Yes.

Q Was at the Ferguson Police Department?

A Correct.

Q There was a decision made that he should go to the hospital; is that correct?

A That's correct.

Q How did that come about, if you know?

A To my knowledge that was a decision made by Lieutenant Colonel

Q When you arrived in Ferguson, were they discussing that he was going to go to the hospital or did that come up while you were there?

A From what it appeared, it was a

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conversation that was taking place before and then continued as I arrived.

So I heard basically the tail end that Officer Darren Wilson would go to the hospital and get treated.

Q And what did that mean as far as your investigation was concerned?

A The way I would handle it with anybody, victim, witness, suspect, anybody that we would talk to is that if they are requesting medical treatment, we would do that first, that's more important than any statement we are going to get. And we can continue the statement at the hospital, which happens regularly. That we would follow them to the hospital, meet them at the hospital and then get the statement there while they're receiving treatment. We would never hinder anybody from getting medical treatment if they sought it.

Q So you had ended up going to hospital?

A I did.

Q What hospital was that?

A Christian Northwest Hospital located on Graham Road in Florissant, Missouri.

Q You didn't ride along with the officer, did you?

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A No.
Q Did he drive himself or do you know?
A He rode with Lieutenant Colonel those three individuals were in the car at that time and I drove separate.
Q You all arrived at the hospital?
A Yes.
Q He's, I imagine, treated?
A Yes. If I can just back up one step.
Q Sure.
A Before we had departed, the Ferguson Police Department, Officer Wilson did remove his uniform shirt and draped it over a chair, which that was essentially in Detective right next to his desk. So that's kind of where the three items that I would consider evidentiary value were located and they were in his custody.
Q Did someone ask him to remove his shirt?
A What's that? I don't know if it was done or not, however, he did remove his shirt and he draped it over a chair.
Q The three items you are talking about are the shirt, the belt?
A And the weapon.
Q And the weapon, okay.

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A Yes.

Q Anything else before we go back to the hospital?

A No, ma'am, sorry to go back.

Q No, I'm glad you did that because this is important. So you tell us if I miss something, for sure let us know.

A Sure.

Q So you got to the hospital, what happened then?

A We were escorted to a trauma room and while I was driving there I had contacted Detective and he's with our crime scene unit, I requested him to respond to Christian Northwest Hospital, meet me there to photograph the injuries of police officer Darren Wilson.

Q Did Officer meet you there?

A He did. When we arrived, like I said, we were escorted to a trauma room. Initially within the trauma room was myself, police officer Darren Wilson, attorney Lieutenant Colonel and Detective . Detective asked Officer Wilson if it was okay for him to photograph him. He agreed and he took several photographs of the apparent injuries to his face,

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neck and the back of his neck.

Q So Officer Wilson was cooperative with your investigation?

A Yes.

Q I meant to ask you going back and going to come right back to the hospital, when you first encountered him, what was his demeanor?

A He was calm, collected. I didn't see that there was any type of debilitating injury to where it would prevent any type of interview, like a head injury or something like that. He seemed to be talking, making logical sense and talking like that.

So there was no concern that he had some major head injury, I guess, from my own opinion or appearance.

Q He never complained about his head being injured?

A Not to the point where he would have not been able to be interviewed.

Q Did he tell you he had a head injury?

A No.

Q When you go to the hospital, is his demeanor about the same as it was at the station?

A Yes.

Q And he allows Officer to take

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pictures of him?

A Correct.

Q And how does your interview begin with him, your cursory interview?

A Essentially after Detective concluded his investigation of taking the photos, I asked Detective and Lieutenant Colonel to step out of the room as they were to not be present during the cursory interview.

Q What about his attorney?

A He remained in the room.

Q All right. And why did you ask the other two to step out?

A We would, for one, privacy and two, on any interview, it would be a one-on-one interview with myself and any potential victim, witness or suspect.

Q And again, this interview was not videotaped or audiotaped for that matter?

A That's correct.

Q So go ahead.

A Uh, I initially asked Officer Darren Wilson if he would allow me to interview him. He agreed.

During every police officer involved shooting that we investigate, I ask a series of

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almost standard questions that begin my interview. Those questions are, were you on duty today?

He indicated he was.

What was your call sign if you were to call out on the radio? His call sign was Frank 21 that day.

What sector he was assigned to. Sector 1.

What is the beginning and end times for his scheduled shift. He indicated he began a shift at 6:30 in the morning and was scheduled to end his shift at 6:30 at night.

What he was wearing. He indicated he was wearing the uniform he currently had on and the rest of it what he left at the station. And what vehicle he was assigned that day. He said he was assigned vehicle 108, which he describes as a fully marked Ferguson patrol vehicle.

Q And is it your understanding that that vehicle is actually a truck?

A Yes, it was a Chevy Tahoe.

Q How did you get into what happened did you ask him what happened?

A Yes.

Q Tell us about that?

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A Basically during the cursory interview, I asked a very open ended question and allow that person to just talk. Tell me, from basically start to finish, what happened. And the only time I will really interrupt if I need a clarifying question or something I didn't understand it, I need time catching up writing down what he's saying.

I just essentially asked Officer Darren Wilson to describe what happened and where he was at prior to the incident up through the incident.

He tells me that he was leaving an unrelated sick case call and was driving, it would be west on Canfield Road. As he's driving he hears a call that was not assigned to him for a stealing in progress at 9101 West Florissant Avenue, and he provides us with that address and the nature of the call was a stealing.

He said that the call comments indicated the suspect description was a black male wearing a black shirt and brown shorts, and that an additional call comment indicated that taken during the stealing were Cigarillos.

Q Go ahead.

A I'm sorry. He continues and says he's

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driving west down, continues west down Canfield Road and he sees two subjects approaching from the area of West Florissant and Canfield walking in the center of the street.

I then ask Officer Darren Wilson to describe the two subjects.

He describes one subject as a black male, dark complexion, approximately 5 foot 5, with short dreadlock style hair wearing a black T-shirt. He describes the second male as a black male, medium complexion, approximately 6 foot 3, approximately 270 pounds, clean shaven, wearing a red baseball style cap, a gray shirt, khaki shorts and yellow socks.

Officer Wilson then tells me that as he's traveling west down Canfield Road, he stops his patrol vehicle and allows the two subjects to approach. So basically they're walking towards the front of his patrol vehicle.

Q Did he indicate whether they were walking single file or side by side or anything?

A He never did and I didn't ask. He just says they were walking down the center of the street.

Q Okay.

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A He says at this time his driver's window is down, fully down. The, he allows the subjects to approach and then says to the two subjects. "Hey, why don't you guys walk on the sidewalk." And that's what he quoted, that's the quote that he said.

Q Did he say anything about whether he thought this was a confrontation or it was an angry exchange or did he not refer at all?

A He didn't elaborate, he just said that I stated.

Q Okay, go ahead.

A He says right after he makes that statement, the shorter male says, "we're almost to our destination." And then it's quickly followed by the larger male stating, "the fuck with what you have to say", and he quotes that. And then they continue to walk past his vehicle, which would be east on Canfield.

Q At that point does he say that he investigates these two for stealing Cigarillos, does he mention anything to them about the theft?

A He doesn't say anything like that to me.

Q Okay. Go ahead.

A Officer Wilson, Officer Darren Wilson then

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tells me that he got on his radio and says that he's going to be conducting, notifies his dispatcher he is conducting a pedestrian check and he requests an assist car.

He then places his vehicle in reverse and backs up towards the subjects. He places his car in park, I'm sorry. As he attempts to exit his vehicle he says, "hey, come here." That's a quote that he used, "hey, come here."

As he's opening his door he feels the door get slammed shut and then realizes the larger of the two subjects pushed his driver's door closed.

He then tells the large subject to get back and to move, and attempts to open the door a second time. The door is then forced shut again, and he describes that the larger subject is standing at his driver's door with both hands on the door frame of the vehicle like where the window would come up is how he describes it.

And then Officer Wilson orders the subject, or the subject to get back again. And those are his words, get back and move is what the two words that he's using.

Officer Wilson then tells me that the subject then enters through the opened driver's door

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window with his upper body. And he details it is his upper body and both of his arms.

The subject, according to Officer Darren Wilson, begins striking him in the chin, face, shoulders and chest. As he described it is the subject was swinging wildly.

During this time Officer Wilson's trying to deflect the punches with his left hand while giving the subject commands to get back and move and stop.

After that, Officer Wilson, he continues and states that subject then reaches backwards with his left hand, and basically removes his left hand and arm from the vehicle and hands something to the other subject and says, "here, take this," is what Officer Wilson says that he hears the larger subject say.

He did not, nor did I ask, describe what he thought was handed off, but he said that he handed something.

He continues that immediately after the subject says, "here, take this." He then quickly moves his left arm and hand back into the vehicle and then punches Officer Darren Wilson in the right side of the face.

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Officer Wilson then tells me that this instantly stunned him and he starts basically backing away and leaning back. Officer Wilson tells me he continues with his left hand and forearm to try to deflect the punches that he's being hit with and then he starts going, as he puts it, through the progression on his belt.

He thinks about grabbing his mace, which is situated on his duty belt, however, he is in a seated position and he can't retrieve it and it is on the right side of his belt.

He then considers using an asp baton. What an asp baton is, is a retractable baton that's standard issue for law enforcement. He says that he believed that due to the confined space from within the patrol vehicle, that it would be an ineffective tool.

And at this point I believe I asked Officer Darren Wilson if he thought he could escape any other way? And he says no.

He describes the interior of the patrol vehicle or the Tahoe as having a computer and a radio and a shotgun in the center console, which prevented him from being able to climb over or get out of the passenger side of the vehicle.

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I asked Officer Darren Wilson to continue. He stated that he then used his left forearm, again, to try to create space between himself and the subject, and then he retrieves his department issued firearm from his holster, which is situated on the right side of his belt.

Q Did he say, or do you know, he said the mace is situated on the right side of his belt and the gun is situated on the right side of the belt, correct?

A The mace was on the left side.

Q I thought you said the right side.

A The mace was on the left side, his department issued firearm is on his right side.

Q Okay, thank you. You can go on.

A He then removes his department issued firearm from his holster and begins to raise it and as he's raising it he yells, he said he yelled, stop or I'll shoot.

Officer Wilson then tells me the subject then grabs with his hand the top of the slide of the firearm. And he says that his hand is large enough to encompass the top of the slide. The majority of the hand grips and the trigger guard, and that's with Darren Wilson, he says his hand is

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on it, Darren Wilson's hand is on the weapon.

The subject then responded with, "you're too much of a pussy to shoot me." And that was a quote from Darren Wilson.

Q Did he give you any of his opinions or thoughts about what was going on when he says, "you are too much of a pussy to shoot me," or did he just kind of tell you what happened?

A Just told me what happened.

Q Okay.

A The subject makes that statement. And then immediately following that statement, the subject then forces the firearm in a downward angle and Officer Darren Wilson tells me he can feel the barrel of his own firearm pressed against his left hip as he is in the seated position.

Officer Wilson then continued stating that once he felt the barrel of the weapon pushed into his hip, he was able to shift his lower half to the right and basically get the barrel of the firearm to now be pointed at the seat and off of his hip.

He then with his left hand, with his right hand on the gun, on the handgrips of the gun, and he takes his left hand and puts it on the side

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of the frame of the weapon. And then is able to push it away from him to where the weapon is now pointed at the driver's door.

He says that he then pulls the trigger and nothing happens, the gun misfires.

He continues by stating that he believed that due to the subjects hands being on the top of the slide and on the trigger, I'm sorry, on the hammer, that's what caused the gun to misfire.

Officer Wilson continues and states that he then pulled the trigger again, at which time one round of ammunition was fired.

Immediately following that, he sees a large explosion of glass and then looks down and sees what he believed was blood on his hands. He said at that point he didn't know if he was injured or the subject was injured, just knew that he saw blood.

Officer Wilson continued that the subject hands were still on the gun and he pulled the trigger two more times and it misfired both times.

The subject then reentered the vehicle and assaulted Officer Darren Wilson by punching him several more times in the face and then

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stopped the assault and ran eastbound on Canfield Road away from the vehicle.

Q So one shot you said was fired inside, while he was sitting inside the vehicle?

A Yes.

Q Okay. And he considered, he realized he could not escape, I'm not saying he should escape, he considered that he could go to the left side or passenger side, he was blocked by the shotgun or?

A Yes, he describes that there's a computer, a large center console with a radio and like the controls to the light bar and siren, and then a shotgun. And there's just no means of escape through the passenger side of the car.

Q But he said he did consider that?

A Yes.

Q Did he get over to the other side?

A He said he was unable to.

Q He was what?

A He was unable to.

Q But he considered that is what you said he said?

A Yes.

Q Okay. All right. So go ahead, so now the suspect is running east?

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A Yes. He says that the subject is then running east on Canfield, and Officer Darren Wilson then exits his vehicle and upon doing so, he says he radioed to his dispatcher that shots were fired, and he continued to exit the vehicle.

He says he observed the subject running east on Canfield at which time he pursued on foot.

He says after, or during this chase, he's giving the subject loud, verbal commands as he puts it, to stop and to get on the ground.

Officer Wilson then tells me that the subject then stops and turns around. He estimated the distance was approximately 30 feet from him.

So at that time Officer Wilson stopped in the street and then began to order the subject to stop and get on the ground.

He continues and tells me that as he turns around, the subject has, as he quotes it, "an intense and psychotic look on his face." The subject then takes his right hand and moves it towards his waistband on the right side.

Officer Wilson then says the subject screams something inaudible, doesn't know what he said, but just screams something and begins to

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charge him. And that's Officer Wilson's word was charge.

As the subject is moving towards him, he is giving him, continually giving him commands to stop. As he is backpedaling to try to, as he says, try to maintain the distance between the two.

He then continues and states that he knew if the subject were to reach him, that he would, and he quotes, "he would be done." Meaning that Officer Wilson would be done. He knew, he immediately stated he knew he was overpowered and assaulted already one time in the vehicle.

Officer Wilson continued and stated as the subject got within 15 feet of him, he discharged five rounds of ammunition. He said that this had no effect and the subject continued towards him.

Q Did he indicate whether, did he, he may not have, indicate whether or not any of the five rounds entered the body of Michael Brown?

A He did not know, nor did I ask. He just said that the subject continued to come towards him.

Q Did he indicate to you how, when the subject turned around, I think you said that he put his arms some kind of way and charged him?

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A He says that --
Q Can you demonstrate that for us?
A I'm sorry?
Q Did he show you how?
A Officer Wilson kind of spoke with his hands and he does demonstrate that the subject --
Q Can you stand up and show us, please?
A Yes. When the subject turns around, his right and goes to his waistband. Now, he did not say in his waistband or he just says to his waistband.

And like we kind of covered earlier, the cursory interview is not to get, it is more so for the physical evidence to assist the investigators on the scene.

So any clarifying questions would have been done during an audiotaped interviewed, which occurred later on.

Q Okay. Let me show you, but he put his right hand near his waistband?
A Towards his waistband.
Q Nothing specific about his left hand?
A Doesn't say anything about it.
Q Okay, all right. He lets off, I think you said, five more shots?

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A Yes, he says that the first shots were five, he believes it was approximately five rounds of ammunition and the subject continued towards him.

He then discharged two additional, approximately two additional rounds of ammunition, and he said those had no effect and the subject continued towards him.

He then states that the subject started to lean forward and to Officer Darren Wilson appeared that the subject was attempting to tackle him, and that's his word was tackle. At which time he discharged one additional round of ammunition.

Officer Wilson stated he then used his radio and notified his dispatcher, and I believe his quote was, "send me every car you've got and the supervisor."

Q Did he indicate that he knew where that last round landed?

A He said he believed it hit him in his head.

Q Have you ever heard any of the radio transmissions?

A Afterwards, yes, I have.

Q All right. It was part of your investigation to listen?

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A I listened to bits and pieces, but as far as a continual listening to every piece of radio traffic, no, that was not my responsibility.

Q What part of the radio traffic were you interested in listening to?

A I believe it was just random bits to see what all that we had. So from at the very beginning would be him being dispatched to the sick case through the end of when St. Louis County basically departed the scene.

There was no specific pieces of radio traffic that I was either interested in or documented.

Q But you listened to the radio traffic from the sick case to when St. Louis County came on the scene?

A Not completely through.

Q Okay.

A I don't know if I said that right, but just to see where it started and where it ended.

Q I see.

A I didn't listen to anything in between.

Q Okay. Did he ever, I think you said that when he saw his right hand go to his waist, did he say he thought he had a weapon?

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A I'm sorry?

Q Did he say that he thought that Michael Brown had a weapon?

A He didn't know.

Q He didn't know?

A He did not know.

Q That was his concern?

A Yes.

Q When he put his hand to his waist?

A Yes.

Q He did say that?

A He said due to the assault and not knowing that he was concerned.

Q Okay. Does he ever mention anything about some Cigarillos?

A Are you speaking of Officer Darren Wilson?

Q Yes.

A The only thing he mentions about Cigarillos was during his recollection of the initial call, comments for the stealing in progress at 9101 West Florissant. It was never addressed after that or brought up.

MS. WHIRLEY: Questions?

: . When you mentioned the struggle inside the vehicle with the

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officer and Michael Brown, did Michael Brown have anything in his hands, did he mention he had anything in his hands at the time?

A He says when, the way he describes it is when he reaches back and says, "here, take this." That he hands something off to the other individual, but he doesn't know what it was. So he just says, he left it at something.

: Did you state that after the first shot went off in the car when he was trying to gain control of his weapon, that it misfired two more times?

A The total number that he can approximate is three. The first time he pulled the trigger he said that it misfired. The second time he pulled the trigger it fired and then he said he tried two additional times and they misfired.

: Okay, thank you.

The first misfire he said was because Michael's hand was on the gun, what about the second and third one, was there still that contact going on?

A He says that that's what he believed. Now, I'm not a firearms expert nor was I there, but he says that he believes that that's what caused the

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misfire.

Throughout this he never says that Michael, the subject, takes his hand off the weapon until he continues the assault, the second assault in the vehicle.

Just to follow-up, did you have a sense for how long that altercation lasted?

A He approximated a minute from start to finish.

: . When we talk about misfire, can you kind of walk us through that process what it looks like?

A Sure. So there's many reasons. And like I said, I'm not a firearms expert, however, in my job I do carry a firearm and know some things about it is that a weapon can misfire for many different reasons.

One of them being if there's anything that is impeding the hammer of the firearm from coming forward and striking the firing pin, that will cause the weapon to misfire. So if you put anything in there, a piece of rope, or as the case may be, if a hand is pushed down on that hammer, it won't let that hammer cycle and won't allow the weapon to fire. Does that clarify it?

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: Yeah,

So the bullet would remain in the gun, it would not have impacted, it potentially would be able to be shot again, there would no casing discharged?

A Correct. So if the weapon misfires in that form, the casing will not be discharged, the round that is currently in the chamber will still be a live round, it will still fire if the gun cycles properly the next time.

Okay, thank you.

MS. ALIZADEH: I have a follow-up question about that. And you're familiar with the Sig Sauer weapon that this officer was carrying?

A I am.

Q (By Ms. Alizadeh) And this is a weapon that when it fires properly, the empty cartridge is ejected from the gun ejection port, right?

A Yes.

Q And that's on top of the weapon, at least in the area where Officer Wilson said Michael Brown had his hands, correct?

A That is correct.

Q Can you explain to the jurors what stovepiping means?

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A Stovepiping is a term used in firearms where the round, a live round will be, it could be a spent round also, casing is basically partially ejected and is situated in a manner that looks like the round is sitting vertical on the gun. If I'm explaining this right, to where it would look like a stovepipe coming out of an oven. And that basically means that the casing was not fully extracted from the chamber and the gun did not cycle properly.

Q And is it possible, again, we will have a firearms expert testifying about this, has that ever happened to you?

A At the range, yes. I mean, it is a malfunction that is not common, but it does occur.

Q And so if there would be something blocking that cartridge from flying out of that ejection port, it could be stuck inside partially in and out of the weapon, correct?

A Yes.

Q And if that were to occur, would you be able to discharge another round with that projectile, that cartridge still partially in that ejection port?

A No. And also when that casing is stovepiped, it allowed, the gun is out of battery,

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which means it won't cycle again. So you would have to clear the malfunction, and there's a drill that they train us on of how you would have to clear the stovepipe, the round.

I'm . This is going back to the time that you arrived at the Ferguson Police Department to speak with Officer Wilson, Darren Wilson. And at the time you said he showed you where his gun, where he says that his gun was contained in his package.

A Uh-huh.

: Can you describe that package for us?

A I can. It is a manila envelope, which is, I'd probably say 9 by 13 size, and what it looked like is I didn't see if it was sealed because the way it was positioned on the table is that the flap, I guess for it, was positioned down, if that makes sense.

: Yeah, that is what I wanted to know.

A Sure.

: I need clarification if it was sealed or not. And from the time of the incident until the time that Officer Darren Wilson

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was transported to Christian Northwest to document his injuries or whatever, can you give me some idea about how much time had elapsed from that point to the point that he arrived at the hospital?

A Well, the only thing I could speak of is the time that we were notified at this point. I don't exactly know what time the incident occurred and what time he departed the scene, it wasn't part of my responsibility or my interview at the time.

I know that we were notified at 12:43. I arrived at 1:30 on scene and I first contacted Officer Darren Wilson at 2:00 p.m.

The conversation at Ferguson Police Department lasted minutes, not long at all and then he was transported to Christian Northwest Hospital.

MS. WHIRLEY: How long would you say, how much time did you spend with him at Christian Hospital.

A I probably say 30 minutes. Obviously it took some time to get photos taken and then any time that either a registration nurse, a physician's assistant or nurse would enter the room, the interview would basically just stop for privacy reasons. That would be common practice even if it was a normal investigation.

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. So from the time that you finally left him at the hospital or whatever.

A Uh-huh.

: Do you know about what time that was?

A I probably say I left probably between 2:45 and 3:00. From that point I returned back to the Ferguson Police Department.

Yes, ma'am.

: During the scene, the time that the officer was still positioning his car, struggling with Mr. Brown, did he ever indicate that he was trying to call for help?

A I'm sorry?

: Did he ever say that he was trying to call for help or backup?

A He did not. He said that initially even before, as you put it the altercation took place, he says that he requested, advised the dispatcher he was conducting a pedestrian check and then he requested an assist car at that point before the confrontation at the vehicle ever took place.

: So when an officer in his

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position will call for help, does he have a microphone here or radio dispatch on his waist?

A In a later interview with Officer Wilson, we found that he keeps the radio on his right side.

MS. ALIZADEH: You are pointing to your left side?

A I'm sorry, it is on his left side, I apologize. I'm sorry, on his, thank you, his left side. And then there would be a radio inside of the vehicle also.

: So still . He gets out of the car and he tells him to halt, but he says the victim kept running. So at that time he still had not called for backup?

A He says that as he's exiting the vehicle he announces shot fires and requested assistance at that point. That would be once he is getting out of the car.

He's --

A I'm sorry?

Did he fire once he got out of the car or did he call and then fire?

A No, he, okay he, I'm trying to explain it to where. So essential what happens is after, he tells us that after the first shot that went off

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while he was in the vehicle, the subject comes back in and assaults him and then takes off running east on Canfield away from the car.

: Uh-huh.

A Officer Wilson then tells us that he opens his door and as he is exiting the vehicle, he gets on his radio and announces, or notifies his dispatcher of shots fired and requests an assist car.

So at that point that would be his second, as he puts it, second radio transmission regarding this incident announcing where he announced shots fired and requested assistance at that point.

So what did he say would be his reason to keep firing after he got out of the car and calling for help?

A Okay, uh --

: If the suspect is running, then what would be your initial reason to keep shooting?

A As Darren Wilson describes it, the subject turned around at that point. He doesn't tell us that he fired any rounds from the time that he got out of the car to the time that the subject turns

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around. He just announces on the radio that shots were fired.

And from being a police officer as long as I have, that's the same thing as an officer needs aid, requesting immediate assistance, if you hear, you are a neighboring police officer and you hear any police officer and yell shots fired, that means that obviously something bad has happened.

: . I guess at the point where Michael Brown turned around, did Officer Darren Wilson, did he indicate he had any injuries?

A He doesn't, he doesn't say. Are you talking about Officer Wilson or the subject?

: The subject.

A He doesn't say nor do I ask. He just says he turns around and then the hand goes to the right side of his waistband. He never says that he saw any injuries on the subject nor did, like I said, nor did I ask.

: After the shot was fired in the car, you said he saw blood on his hand. Was Officer Wilson referring to his own hand or Michael Brown's hand?

A He was referring to his own hands. So

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that's when he says, he tells me that he didn't know if he was injured, as far as he being Officer Wilson, or the subject was injured. He didn't know, he just saw the blood.

: . You said you've investigated several officer shootings, is it typical that prior to your arrival, that the officer already has a lawyer there?

A It can happen. I mean, it does happen on certain occasions and it would not impede us or change anything with the way we proceed. I mean, we would ask every police officer, just like we ask every victim or every witness or every suspect, if they would be interested in having a conversation or if they would be okay with an interview.

And we just assume that the attorney would and with what happened is, his attorney sat there and didn't say a word.

: And this case there isn't say, for instance, Ferguson Police Department, there isn't a lawyer staffed in the building readily available, it would have been just like anyone else, it would have been called in on Saturday, I imagine?

A I'm sorry to interrupt you.

: No, no.

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A I believe the attorney, is an attorney for the FOP, which is the Federal.

MS. ALIZADEH: Fraternal?

A Fraternal Order of Police's attorney, I'm sorry. Basically he is, I don't want to say on-call, it is not the right word, but if a critical incident happens, the police officer, if a member, can call him any time.

: Thank you.

. Stovepiping.

A Yes.

You said the casing is not fully discharged from the weapon?

A Uh-huh.

: It kind of looks like a stove, like a stovepipe on top of the gun?

A Uh-huh.

: It cannot be discharged again until that's taken apart?

A The gun doesn't have to be taken apart.

Until the casing, whatever, is taken off?

A Right, it would have to be, the malfunction drill is, you have to remove the

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magazine, lock the slide to the rear, which would remove the stovepipe round and the round that was somewhat forced into the chamber, or the barrel of the gun. You would have to reinsert the magazine and then put the slide forward and that would chamber another round.

So it's a three or four step process too, if a weapon does stovepipe, to clear that malfunction.

If a gun was, if a weapon was, a shot was fired inside the car that there would be a spent casing inside the car or could it exit the window?

A It could definitely eject through the window.

The window that's in front of you?

A Yes, it could have, in just my experience, casings could end up in very odd places. It will eject, and it could bounce off something, you know, there is plenty of obstructions inside of a car, any typical car a steering wheel, the dashboard, it could end up anywhere.

Or moving body?

A A moving body, yeah. It could have been,

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seen it before where it is caught in clothes and it would fall out as a person is running away and it is further away from the scene than what you would expect. There's no predetermined place for a casing to land when it is ejected.

. I'm just trying to get idea of the logistics of the utility belt.

A Okay.

: Okay. Now, you told us the radio is kind of like on the left hip?

A Uh-huh.

: Is that basically where everybody wears it?

A Uh-huh.

: Give me some idea where the mace is, where the baton is in relationship to the gun?

A Okay. On Darren Wilson's belt specifically?

Uh-huh.

A It was, the mace on the left side, his radio was on that side also.

: Uh-huh.

A There is a, it is more like a utility belt

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loop where you would either hang a flashlight or you can put a spare set of handcuffs on it. And then on the back side, I believe there was a set of handcuffs and his duty holster on his duty belt was on his right hip. On the right side, but in the front are two additional, it is called a magazine pouch and it carries two reserve magazines for your pistol.

Anywhere for the mace or whatever?

A The mace is right here.

: The mace is on the left?

A It is on the left.

: Okay.

A That's the situation, I guess, of his duty belt.

: Okay, thank you.

: . Getting back to the positioning of the shooting. When Michael Brown turned around, Officer Darren Wilson said he was approximately 30 foot between them?

A (Nods head.)

: As Michael Brown charged towards him, he backed up to keep the distance. Does he indicate that Michael Brown was closing

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distance on him?

A He says that, and I don't want to make an assumption, I'm just telling you what he says. The distance started at 30 feet and then it was reduced down to 15 feet.

MS. WHIRLEY: If there are no other questions, you did actually do a recorded interview with Michael Brown; is that correct? (sic)

A I did.

Q (By Ms. Whirley) And who was present during that interview?

A It was myself, Detective who was the case detective, police officer Darren Wilson and his attorney

Q Any idea how long that interview was?

A I'd say roughly 30 minutes.

Q 30 minutes, okay. We're not going to ask you to sit through the interview, I was just setting it up because you are the person that actually did that interview.

Any other questions?

MS. ALIZADEH: I do want to ask about that interview as well. So that is recorded and we're going to play that later.

The interview actually was primarily

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conducted by wouldn't that be fair to say?

A Yes.

MS. ALIZADEH: You were present and also asked questions, but is the primary speaker or the primary questioner I would say, correct?

A Yes.

MS. ALIZADEH: And that was video or audio recorded?

A Audio recorded.

MS. ALIZADEH: Now, you will sometimes video record homicide suspects; is that correct?

A That's correct.

MS. ALIZADEH: And you an interview room, several interview rooms over at your headquarters that are equipped with video cameras and that are for that purpose, interviewing suspects, correct?

A Yes.

MS. ALIZADEH: Why didn't you video record his, and I don't know if it was your decision or another officer's decision, do you know why he was not put in an interview room and interviewed like you would a suspect in a homicide?

A Our interview rooms are small, they're

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kind of that way for a reason. They are 4 feet by 6 feet. And with just one interviewer and a person being interviewed, is very tight.

So with two detectives, a person being interviewed and their attorney, that room, those rooms are just not conducive for that type, the amount of people.

So the room that we chose to use is a small conference room with a table and about six chairs that are around it. So it was more accommodating, we would use that option if we needed it on any interview.

MS. ALIZADEH: And so there was an audio recording made of that interview, correct?

A That was done at the St. Louis County Police Headquarters within the office of the Division of Criminal Investigation, which is where our offices are.

MS. ALIZADEH: Also just to clarify, you are now aware that the FBI is conducting an independent investigation into civil rights violations, correct?

A Yes.

MS. ALIZADEH: I'm not going to get into the date that that began or anything like that, but

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when you did your interview at the department headquarters in the conference room, the one we are going to listen to, was FBI conducting joint interviews at that time?

A At that time, no.

MS. ALIZADEH: Okay. Now, after that date, at some point during this lengthy investigation, was there a decision made between your superiors and people with, you know, the feds that if at all possible, it would be better that you all conduct joint interviews?

A Yes.

MS. ALIZADEH: But the feds were not involved in the interview that Darren Wilson gave at your headquarters in the conference room?

A Correct.

MS. ALIZADEH: Okay.

: . I just want to clarify, that interview, the recorded interview was with Officer Darren Wilson?

A Yes, Officer Darren Wilson and Detective

I may have misheard.

A No, that's okay.

MS. ALIZADEH: We haven't heard it yet,

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just so you know.

MS. WHIRLEY: Put on the record, clarify what you said.

I think Sheila may have said did you do an interview with Michael Brown.

A Oh, I'm sorry.

MS. WHIRLEY: If I said that, that was, of course, incorrect.

A Yes.

MS. WHIRLEY: You did an interview with Darren Wilson?

A I'm sorry.

MS. WHIRLEY: So thank you,

MS. ALIZADEH: And that, of course, the interview with Darren Wilson, conducted by county police officers we will play for you later today.

Any other questions of this officer before he is to leave?

: One last question. After your initial interview, the cursory interview, did you return back to the scene and report or how does that work?

A What occurred is I returned, I left Christian Northwest Hospital and returned to the Ferguson Police Department initially. While I was

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there, I waited maybe 10, 15 minutes for Officer Wilson to return and Lieutenant Colonel to return.

It was at that point when they did return, we seized, when I say we, I'm referring to Detective seized the uniform worn by Darren Wilson during the incident. And that's at which time his weapon was seized and it was in that evidence envelope or that manila envelope that we had talked about earlier. So that's when the weapon and uniform were seized.

Following that, I did return to the scene there on Canfield Green Apartment Complex. The reason for that is, goes hand in hand with our cursory interview. The way I explained it earlier is that with the information that I obtained through the cursory interview, I provide that to Detective so that it will allow the members of the police department at the scene to make sure we have encompassed everything that might be involved.

So they have a statement that will either, you know, if they need to look over here for evidence or over there, they know based on the cursory statement. We would do that with any witness or anybody that could give us any

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information, we'll use that to, influence is the wrong word, make us look in the right spot, if you understand what I'm saying, I'm sorry.

: .

A Yes.

: Do you feel that the way the weapon was handled before it got to your St. Louis County investigator, compromised the investigation in any way?

A No, it is just different than what St. Louis County would do. However, chain of custody was maintained and that's really the only thing that would be important to me as an investigator that it went from Officer Darren Wilson, to Detective to Detective those are the chains that, obviously, I would be concerned about. It appeared that it was maintained, so.

MS. ALIZADEH: And also looking at my notes I neglected to ask, you've mentioned that you investigated a number of police officer involved shootings?

A Correct.

MS. ALIZADEH: And have you interviewed the police officers involved in those shootings?

A On some of them.

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MS. ALIZADEH: And in your experience, is it unusual for the officer to not be able to accurately recall how many or the sequence of shots that were fired during the critical incident?

A Not at all, it is actually common.

MS. ALIZADEH: Okay. Nothing further.

A Thank you very much.

(End of the testimony of Officer)

(Recess)

MS. ALIZADEH: This is the 16th of September, the time is approximately 1:16. This is Kathi Alizadeh with the prosecutor's office. Present are all 12 jury grand jurors, as well as the court reporter, Sheila Whirley has stepped out.

To begin the afternoon session what I would first like to do is to play an audio file that is contained on Grand Jury Exhibit Number 17. Remember, this is one of those I renumbered. I think it used to be 9 or 10, but anyway, it is now Grand Jury Number 17. I'm going to play a recording of an interview of Darren Wilson and the interview I have transcripts that I'm going to pass out.

Again, if you will to take one and put your juror number in the corner. Before I actually

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start this, this interview is the interview that talked about that was recorded in a conference room at the police headquarters.

And so as you can see from the transcript, the main speakers are Detective and in the transcript that is DET. and then when Darren responds it is D. Wilson.

They both have the distinctive voices and hopefully it won't be to confusing for you to tell who is speaking.

Also during the interview you will hear that they give Darren Wilson a map to write on and then also a photo lineup that they ask him if he can identify somebody.

So that happens later in the interview. I'm going to let you guys look at those and I can put them up on the screen if you like, but those are what is being referenced when they are talking and those are copies.

: .

Miss Kathi, is this Ferguson or St. Louis County interviewing him?

MS. ALIZADEH: Detective is with the County Police Department, and I think he

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announces that in the beginning paragraph who is with, who is present and who they're with.

And also, I'm going to tell you because we have another witness that's here that we need to meet with briefly, and Sheila and I both need to do that, I'm going to start this and I'm going to walk out. I would ask that you not deliberate or anything while I'm gone because is still here and he's going to just be present while this is being played and then if we're not back in 30 minutes, which I can't imagine it is going to take 30 minutes, when we come back we'll stop it. If it stops before, then we'll just, said he would then just leave the room so he is not sitting here alone with you all.

If by chance we're not back when this ends, you know it will start over from the beginning automatically, so you can just click the pause or that square to stop it.

(This is the audio recording being played at this time.)

MS. ALIZADEH: Is there any part of this that you all want to hear again or hear it again in its totality? And again, this is available for you to listen and the transcripts are for you to keep in

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your materials, all right.

So you ready for the next witness?

Can I take a quick bathroom break?

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Could you state your name and spell it for the court reporter?

A

Q And just in case I slip, you go by is that right?

A I do, yes.

Q I'll try to remember to call you Miss

A Yes.

Q All right. What do you do, Miss ?

A I'm an FBI agent.

Q How long have you been with the FBI?

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A I've been with the FBI about three and a half years.

Q And prior to your employment with the FBI, were you otherwise employed in law enforcement?

A I was a civilian crime scene examiner for Baltimore County Police Department.

Q Okay. So you were a civilian crime scene examiner?

A Investigator.

Q So you weren't a commissioned police officer?

A I was not.

Q So prior to becoming an FBI agent, you were never a commissioned police officer?

A No, I was not.

Q So all of your law enforcement career has been with the FBI, other than the civilian crime scene investigator?

A Yes, ma'am.

Q So where are you officed?

A St. Louis, Missouri.

Q Is your office in the FBI headquarters downtown in St. Louis City?

A Yes, ma'am.

Q And back in early August of this year,

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were you asked to assist with an investigation involving the shooting death of Michael Brown?

A I was.

Q And you're aware that the Department of Justice is conducting an investigation into civil rights violations that might have occurred involving the shooting death of Michael Brown?

A Yes, ma'am.

Q Now, the FBI, that's a federal agency, right?

A Yes.

Q You're a federal agent?

A Yes.

Q I'm not going to get into a law school class about this, but typically you aren't typically investigating murders and rapes and things that maybe state level law enforcement officers investigate, would that be fair to say?

A Yes.

Q And so what your role is or what you are limited to is investigating violations of federal laws, correct?

A Yes, ma'am.

Q And so is that primarily what your role is in this case is to investigate violations of any

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federal laws?

A Yes, ma'am.

Q So when were you first brought in on the investigation of the shooting death of Michael Brown?

A August 11th, 2014.

Q And have you continued to be involved in this investigation since August 11th?

A Yes.

Q And have you, in the course of your investigation, did you interview Darren Wilson?

A Yes.

Q Have you conducted numerous other interviews of other witnesses?

A Yes.

Q Both lay people or civilians and law enforcement?

A Yes.

Q And, in fact, is your investigation still going on?

A It is.

Q And so what I'm going to ask you about today is about your interview with Darren Wilson, but we know you had other things to do with this case. If we need to have you testify about other

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aspects of your investigation, would you return to the grand jury to give further testimony?

A I will.

Q All right. So just for today, I'm not saying I'm limiting you in asking your questions, but just for today the purpose I'm going to be asking you questions is about your interview with Darren Wilson, okay?

A Yes.

Q Now, on what day did you interview Darren Wilson?

A August 28th, 2014.

Q Now, during the time of your involvement with this investigation, was there a time when the FBI agents involved and the attorneys are either with the U.S. Attorney's office or Department of Justice kind of agreed to work together with the county investigators in conducting interviews together?

A Yes.

Q Were you aware prior to your interview of Darren Wilson, were you aware that he had already been interviewed by county detectives about the shooting death of Michael Brown?

A Yes.

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Q And did you have a copy of that interview?
A Yes.
Q And had you listened to it prior to your interview of Darren Wilson?
A Yes.
Q So now given that he's already given an interview with the county detectives, why is it that you decided to interview him again on the 28th?
A As we do separate investigations, my investigation is a civil rights investigation. Part of that and what I do in investigating civil rights is violations under the color of law, which that's why we're taking a look at this shooting, is to see if Officer Wilson was in violation of his sworn duties.

And because of that, he is a subject of an investigation and very important and we are, it is separate, excuse me, from a homicide investigation, what the county is conducting, so we felt it necessary to conduct a separate interview.
Q And at the time that Michael Brown, I'm sorry, Darren Wilson was interviewed by the county detectives, was that before you all started conducting joint interviews?
A Yes, ma'am.

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Q And the joint interviews, is it time saving for detectives as well as less inconvenience for witnesses and so forth?

A That main reason has to do with the fact you want to limit statements given to avoid inconsistency, because it is human nature.

Q And in any case, you wanted to ask additional questions at some point involving your investigation of Wilson?

A Yes.

Q I mean, Officer Wilson, Darren Wilson?

A Yes.

Q All right. And so did you or someone else with the FBI contact Darren Wilson and/or his attorney about having him come in to give a statement?

A Yes.

Q Did they agree to do that?

A They did.

Q They appeared at your headquarters?

A Yes.

Q So who came to the interview, who was present?

A Officer Darren Wilson, as well as his attorney, and another attorney,

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I believe.

Q

A as well as assistant United States attorney, , Department of Justice trial attorney and also present was another special agent,

Q And so where did this interview take place in your FBI headquarters?

A It took place, we have interview rooms in the front, that's where it took place.

Q So was this a conference room looking at area or, I mean, is everybody sitting around the table?

A It is.

Q Okay. And did you record these, this interview?

A We did not.

Q Why is it that you didn't record this interview?

A It is not generally the FBI's policy to record. It was made, the decision was made since he already had a recorded statement as well, to not record an additional statement.

Q During the interview, did you take notes during the interview?

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A I did.

Q Did you use those notes, do you use those notes generally then to write a police report or what you guys call 302s?

A Correct.

Q And 302 is just a number that is for that type of a report that you write, for example, when you are summarizing an interview, would that be fair to say?

A Yes.

Q And so, again, in this scenario you are questioning him because he is the subject of a federal investigation into civil rights violations, correct?

A Yes.

Q So when he arrived, was there any discussion between you and his attorney or him about there being any limitation on the questions that you were going to ask him?

A No, there was no limitation.

Q Did you read him Miranda warnings?

A No, we did not.

Q And why not?

A He was not in custody.

Q So he came there voluntarily, he wasn't

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arrested. Were you planning on placing him under arrest after you were questioning him?

A No.

Q And his attorney was present during the entire interview?

A Yes.

Q And was there ever a time when you had breaks during the interview where he was left alone in the room with his attorney?

A They had the option. I can't recall if there were breaks or not.

Q About how long did your interview last?

A Approximately an hour.

Q And were there questions asked by you during the interview?

A Yes.

Q Did the Department of Justice trial attorney, , did she ask questions as well?

A She did.

Q Did U.S. attorney or assistant U.S. attorney , I think it is , correct?

A Yes, ma'am.

Q Did he ask questions as well?

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A He did.

Q Did ask questions as well?

A She did.

Q And how would describe Darren Wilson's demeanor during the time you interviewed him?

A Cooperative.

Q Did he appear nervous?

A No.

Q And so did you, was this the first time you had ever met Darren Wilson?

A Yes, it was.

Q And you're aware that he is on administrative leave; is that correct, or did you know that?

A I didn't know it was administrative leave, I just know he had not returned to work.

Q He didn't come in a policeman's uniform to the interview, did he?

A No.

Q And so can you just and summarize for the jurors, what you talked about or what you asked him during the interview?

A We, we went over his career as a police officer, just a brief rundown that he had been a police officer in Jennings Missouri Police

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Department for two years prior and had worked for Ferguson since October 2011, Ferguson Police Department.

And then we went into August 9th, 2014, where he was working a shift from 6:00 a.m. to 6:00 p.m. Around noon, just before noon he received a call, a sick call he referred to it as. An infant who had a fever. While he was at that call he heard over the radio a call for a stealing in progress where, is it okay if I refer to my notes?

Q Sure.

A Sorry, I don't mean to look down. He heard it was at a market, he didn't hear which one and he heard a description over the radio saying the subjects were walking towards the QuikTrip, stole Cigarillos and one subject was wearing a black shirt.

Wilson cleared that sick call because the mother and the infant were taken to the hospital. He cleared the call and he was going eastbound on Canfield. The sick call was in an apartment complex, I believe it is called Northwinds, and to get back to West Florissant, I'm sorry, west on Canfield.

And as he's driving, he sees two

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individuals in the middle of the road walking single file and as he pulls up, he sees who he identifies later at a later date as of the date of the interview as Dorian Johnson and Michael Brown. He didn't know them before.

Q When he was talking with you, he, at that point knew that the deceased was Michael Brown and that the other gentleman is Dorian Johnson, correct?

A Yes, ma'am.

Q But during your interview, did he refer to them by name, those names then?

A He did.

Q But did you clarify with him that this was, were these individuals he had ever heard of or had any contact with previously?

A We did clarify and no, he did not. He did not know who they were prior to this interaction.

Q Okay. So you say he sees these two subjects who he now knows as Michael Brown and Dorian Johnson, what happened next?

A Dorian was first, so he pulled up next to him and asked him why don't you guys walk on the sidewalk. He made the statement, it wasn't in a confrontational way because he was more concerned about going back to the station to have lunch, it

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was about that time.

Dorian's response was, we're just about to our destination, Dorian was not confrontational either.

And Officer Wilson's response was okay, but what's wrong with the sidewalk. And Dorian kept, he continued to walk and Officer Wilson said he did not pay attention to Michael Brown and he was somewhat blocked. He has a big mirror, he was driving a Tahoe, so the mirror is quite large and Michael was blocked, he was just in that spot.

Because he was interacting with Dorian Johnson, didn't notice Michael walking or any demeanor and so when he says okay, but what's wrong with the sidewalk, Michael says, "fuck what you have to say."

I'm sorry, let me refer to my notes. Officer Wilson's attention was then drawn to Michael Brown and he noticed that Michael Brown's hands were full of Cigarillos. He looks in his rear view mirror and also saw that Dorian was wearing a black T-shirt.

Thinking back on the call, Michael Brown was wearing a gray T-shirt and the call was they stole Cigarillos and one was wearing a black

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shirt. So kind of putting two and two together or thinking that these might be the two guys, he puts the car into reverse.

Q Now, when you say putting two and two together, is that what he was telling you that he put two and two together or is that your interpretation of it?

A He said he recalled the description that came out over the radio. I think I'm using that, I don't know what you would call that, but yes, he said that.

Q As much as possible because, obviously, you know, I don't want you to add to the statement or even interpret something that you believe he meant or said if he said it a certain way. So as best you can, stick with what he told you. So he said he recalled that earlier call about the stealing Cigarillos?

A Yes, ma'am.

Q And then what did he say happened?

A He said he put the car, I'm sorry, he called over the radio said I'm on Canfield with two, send me another car, that's quoted.

He then put his vehicle into reverse and angled the rear of the vehicle towards the

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middle of the street as to block the two of them from getting away, or walking any further.

He said, Officer Wilson said his plan was to stall them until another officer got there. He was not going to try to arrest or even question either one of them because he was out numbered and incredibly outsized by Michael Brown. In fact, he quoted as saying, he would overpower me.

So before Wilson gets out of his car, he tells Brown, come over here a minute. Wilson attempted to open the door and Brown, Michael Brown, shoved the car door back at him.

And Michael Brown said to him, "what the fuck are you going to do about it."

Wilson, Police Officer Wilson unsuccessfully tried to open the door again, Michael Brown ducked his head in because he was taller than the vehicle, ducked his head in down, came in through the driver's side window swinging his arms, he described him swinging his arms wildly at Wilson.

He said Brown's right hand connected with the left side of his face. Wilson tried to get Michael Brown off him and also block the blows that were coming at him.

At some point Michael Brown turned

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around and handed the Cigarillos that were in his hand to Dorian Johnson and Brown came right back around and hit Officer Wilson in the face with Michael Brown's left hand.

Officer Wilson describes going through what he described as a force triangle in his mind, and that is the way he said they were trained. He knew he could use one level of force higher than was being applied to him, excuse me, than the threat level to his safety.

Q And this force triangle is something that he said he was trained about?

A Yes, ma'am.

Q And he described it to you?

A Yes, in just that way using one level higher.

Q One level of force greater than the level of force being used against you or applied against him?

A Yes, ma'am.

Q Okay, go ahead.

A He said he couldn't reach his mace, he also knew that in the academy he got sprayed with mace and he doesn't handle it well. So even if it doesn't hit him, he would not be, it would disable

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him just as much as it would Michael Brown.

He did not carry a taser, so that wasn't even and option.

He had his asp baton on his belt and a mag flashlight in the passenger side. He said it would have given up too much of his body, Michael would of had to, could hit him more parts of his body if he tried to reach for either of those. He also couldn't deploy the asp baton inside the vehicle because it is collapsable.

Wilson said he thought Brown could beat him to death. He knew from his training because for just that reason, he was allowed to use deadly force.

He pulled out his gun and told Brown, stop I'm going to shoot you. Brown's response was and I quote, Officer Wilson quoting Brown, "you're too much of a pussy to shoot."

Brown grabbed the gun and twisted it down pointing at his left hip. And Officer Wilson attempted to raise the gun with Michael's hand on it and aimed, he described he aimed at the silhouette of Michael Brown through the car because he could not raise it. He couldn't pull the gun high enough to go through the open window.

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Q So at this point is he describing that both he and Michael Brown have their hands on the gun?

A Yes, ma'am.

Q Does he say, does he say which hand he had on the gun, his own hand?

A His right hand.

Q And did he say, was he holding it by the grips, the handle of the gun?

A Yes.

Q And then did he say what hand or hands Michael Brown had on the gun?

A I don't believe I wrote which hand or heard which hand.

Q Okay. So you don't recall if he said which hand he had on the gun?

A I don't.

Q But does he describe that they both were struggling over the gun at this point?

A Yes.

Q Does he describe where Michael Brown's hand or hands are on the gun?

A He said, if he's holding the gun, he did this motion where his hand was overtop holding, Michael Brown's hand was over the gun, grabbing onto

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Wilson's hand.

Q Okay. And you're not sure if Darren Wilson told you which hand Michael Brown was using at that point?

A I don't recall.

Q Okay. And so then what did he say, you said he managed to level the barrel, which might be the silhouette on the opposite side of the door, is where Michael is standing, correct?

A Yes, ma'am.

Q Okay. And then what happened?

A Sorry, I'm just referring to my notes. He pointed at Brown's body through the door, pulled the trigger and nothing happened, the gun did not go off.

Officer Wilson attempted to pull the trigger again and nothing happened. Officer Wilson pulled the trigger a third time and the gun fired through the door, driver door panel. The window being down, glass flew everywhere.

I'm sorry, Brown's right hand was on the gun when it fired.

Q Okay.

A I don't recall and I don't know that even Officer Wilson knows when exactly, but he noticed

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that there was blood on his right hand and he assumed that he had gotten cut when the glass flew everywhere.

After the gun goes off, Brown stepped back from the car. He described somewhat in shock and Brown puts his hands together at his right hip, he demonstrated. And Officer Wilson thought maybe he was hit there, which is why he put his hand there.

He said Brown then became enraged where Officer Wilson describes his face looking like a demon.

Officer Wilson was confused that Brown wasn't then running away, knowing that situation, assumed that that would be to get Brown away from the door and to go because he had just been shot, but Brown re-engaged.

And also at this point in time, Officer Wilson did not know where Dorian Johnson was. The last time he saw him was when he did the Cigarillos handoff. At that's when the rest of that time, the interaction, he never saw Dorian Johnson.

Q Does Officer Wilson describe that, so are you saying that he says when he fired the weapon into the door, he believed or thought that the

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bullet pierced the outer skin of the car and got Michael Brown, is that what you are talking about?

A Yes.

Q When you say that?

A Based off of his action, also he didn't know where the bullet went, but he was aiming through the door when Michael Brown is engaged in the car, he pulled both of his hands down towards his right hip and thought maybe that's where, if he was hit, just based off that action not because he saw a wound and not because he saw blood.

Q Okay. And so then, what happened you said that he then described his face as looking like a demon and he is confused as to why he wouldn't have run away at that point. What happened then, what did he say then?

A Both of the Brown's hands came back through the window. Officer Wilson just showed us his left arm up defensively trying to block Brown from punching him.

Wilson put his, the gun up and pulled the trigger again, the gun didn't fire. He described what blind racking the gun, it is pulling the slide back without looking. I don't know what he, I don't know if he used his hands to rack it,

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but he thought something had happened to the gun. He didn't know if the gun, he described it as stovepiping, which could be two bullets trying to go in and then neither will fire. He didn't know if he ejected a full cartridge, which would be the projectile along with the casing or just the spent casing was stuck in there, he didn't know, he didn't look.

Q So he said he blind racked the gun, which he described as being the slide back?

A Yes.

Q Okay.

A Blind racking, he wasn't looking at his gun, his attention was to Mr. Brown.

Q All right. You need two hands to do that, would that be fair to say?

A He didn't demonstrate with hands, I'm demonstrating because that's how I'm trained. He could have also gone ahead, if I wasn't here, I could use this table, he could have used the steering wheel.

Q So you didn't ask him --

A Did not.

Q He didn't demonstrate how he blind racked the gun?

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A Correct.
Q But his words were blind racked?
A Yes, ma'am.
Q Okay. So what does he say happens after he blind racks the gun?
A He fired the gun again, he pulled the trigger again, the gun fired and he saw, and he wasn't looking where he was shooting he said, he saw a cloud of dust in the dirt across the street and assumed Michael Brown had not been hit because that's where he assumed the projectile landed.
Q So did he tell you when before firing this weapon now, the second shot, did he tell you was he aiming in a particular place or was Michael Brown still beside the vehicle?
A Yes, he was. He describes him, and again, because I'm not sure what hand, he just shows him blocking Michael Brown's blows with his left hand.
Q Okay.
A So after he fired that shot, that's when Michael Brown again ran away. Upon which time Officer Wilson called over the radio, shots fired, send me more cars.

We asked because it is important later whether or not he called over his, there is a

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radio in the car and there's a radio that he has on his person. So when you're inside a call car you can hear and also transmit. He's not sure if he said that with his car radio or with his handheld.

Q He remembers making a call and those words, but doesn't know if it was the car radio or his mobile walkie-talkie?

A Correct.

Q And then what happens?

A So Officer Wilson got out of the car to chase Mr. Brown because, and he describes because Michael Brown was a fleeing felon. And he was just doing his job, those were his words.

He said Brown had just assaulted and attempted to kill him with his own duty, with Wilson's duty weapon.

Officer Wilson did not want Michael Brown to cause injury or death to anyone else. He knew Brown would assault another responding officer or witness as Brown had just assaulted him.

And Officer Wilson wanted to know, he wanted to give chase, he wanted to know where Brown was going. And in an attempt to apprehend Michael Brown once other officers got there.

Q So let me stop you here. So this part you

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are testifying about he is basically explaining why he thought he was justified in pursuing the subject, correct?

A Yes, ma'am.

Q Was that in response to questions that you asked him directly or were you just letting him narrate this and this is information he just provided in a narrative form?

A That was in direct response. It is possible, and the way my notes are written, I go back and write and try to chronological order. He could of at first give us the rundown, said what he did and then we would go back and say why.

In my notes I tried to put it in chronological order. So he went and gave chase and I put in my notes in that same spot why, when we asked him why.

Q Okay. And that was his explanation you already testified about. And then what did he say after he explained why he pursued the subject?

A He explained that he expected Michael Brown to run for a while. So when he got out of the vehicle he did still have his gun in his hand, but it was down at his side because it is easier for him to run instead of having it pointed at Michael

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Brown. And also because Michael was running away from him, he did not feel he was an immediate threat to keep his gun pointed on him.

Q Okay.

A As he was running after him, he told Michael get on the ground, get on the ground. And again, he said he thought Michael was going to run for a while.

While he was running, Officer Wilson noticed a line of three cars lined up behind him, specifically he noticed a green Pontiac. He said he did not fire any shots at Michael Brown as Michael Brown was running away.

At some point, a short time after Brown stopped and turned around to face Officer Wilson. Officer Wilson will describe Brown as grunting, he grunted, hopped and began toward Officer Wilson.

When Brown hopped, he said he put his right hand in his waistband. At the time Officer Wilson didn't know whether or not he was armed. He thought that perhaps Michael Brown was armed and that's what he was going for.

He couldn't tell because Brown's shirt had hung over his waistband. He said Brown's

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left arm, left hand was clenched in a fist at his side.

Wilson shouted stop, get on the ground, and Wilson explained at this point during the interview that Brown was just not listening to any of his commands.

Wilson started shooting as Brown ran towards him. Wilson shot more than once, but was unsure how many times. And he realized he had tunnel vision, so he shot more than one time and realized that all he was looking at was that right hand.

Wilson, I'm sorry, he said during this string of thoughts, Michael Brown had jerked back as if he had been shot, but Officer Wilson did not know where Michael Brown was hit.

Q So he doesn't describe seeing, like what we see on TV, pow, pow, immediately blood spurt and you would see it on the shirt, he doesn't describe seeing anything like that?

A No, he didn't.

Q Okay. Did he say anything other than, you know, you said he has testified before he had made that motion towards his waist like perhaps he shot him through the door, did he say anything else about

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him making, appearing to be shot anywhere else?

A No, he didn't.

Q Okay. You can go ahead.

A He said after Michael Brown kind of jerked back, he said Michael stopped briefly, but then started running towards him again. He described Michael Brown's chest as being puffed up. Michael Brown's hands were still in his waistband.

So Officer Wilson began to back up. Brown was about eight feet away from Wilson when, and Wilson thought to himself, if he gets me, I'm dead.

Brown ran towards Wilson with his head leaning down. Officer Wilson thought he only shot one time, but it could have been more.

He saw the bullet hit Michael Brown in the head and he saw Michael Brown fall to the ground face first. He said Michael Brown fell with such, because he had such momentum going forward, that when he landed on his face, his feet came up behind him.

Officer Wilson made a statement all he had to do was stop and Officer Wilson would have stopped shooting.

At no point did Michael Brown comply

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with Officer Wilson's command or his order to surrender and Michael Brown never had his hands up.

We had Officer Wilson draw just on a white sheet of paper a simple depiction of the scene and we are going to keep that with our case file.

After Michael Brown went to the ground, he called over the radio on his handheld and said, "I need a supervisor and everyone you've got."

While Officer Wilson was running after Michael Brown, he was looking around for people because he was concerned with, he didn't know if Michael Brown had a gun, he was concerned that other people might get shot in the crossfire.

Q Wait a minute. So he kind of backtracked in his statement a little bit.

A Yes.

Q Now he's already got to the point where he's shot him and a fatal injury has him on the ground. So now he backtracks a little bit and says when he was chasing him?

A When he was chasing and I'm sorry, I'm explain that a little better. He knows there are a lot of people around once Michael Brown was on the ground. He said while he was chasing him, this is all within a matter of seconds, he didn't notice

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anybody else. Once Michael Brown went to down to the ground, he saw a lot of people in the community, an apartment complex around.

He said Officer was the first one on the scene. And he had, Officer Wilson had Officer secure the scene or block the street.

Wilson called for an ambulance. The next two arrivals were Ferguson Police Department Officer and at the time because there was really, West Florissant to get onto Canfield is the only way to connect to a major roadway, both were west of the scene. So Officer Wilson had Officer move his vehicle to the east side so they could block that, so they could secure the scene, maintain some scene control.

Q To block vehicular traffic that might be coming westbound on Canfield?

A Yes. Officer Wilson described feeling unsafe standing next to Brown's body since he was the shooter. He thought, the area is known for violence, guns, gangs and drugs. They did not have a good relationship with the police. He kind of felt he really had a spotlight on him.

He walked towards his vehicle which

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was still running. He opened the door and got the keys and shut it off. the only thing he touched was the exterior of the vehicle.

Q So he reached in to turn the car off?

A And grabbed the keys.

Q And take the keys out of the vehicle?

A Yes, ma'am.

Q And then he shut the door?

A Yes, ma'am.

Q He didn't get in the car?

A He did not.

Q All right.

A I don't know if other officers arrived, I'm sorry, the Ferguson Sergeant responded. Wilson told Sergeant that he had killed Brown. He quoted himself as saying, "he grabbed my gun and I shot him."

told him to go, told Wilson to go sit in Wilson's car. And Wilson said, no, because then everyone will know it was me because everyone around him is working and he's not.

So Officer, I'm sorry, Sergeant told him to go back to the station, to not take Wilson's vehicle. Sergeant had to let him take Sergeant vehicle.

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And Wilson described that he thought that it was strange that Sergeant wouldn't have another Ferguson police officer go back with him because he was just involved in a shooting, that even minutes after the scene a lot of people showed up. I think he described it the police officers being outnumbered 300 to 1.

So he drove back to the station, he noticed that his handheld radio was on channel 3 instead of channel 1. Channel 1 was the Ferguson dispatch and channel 3 was St. Louis County Police Department Dispatch. He wasn't even sure, while he could hear St. Louis County, he wasn't sure if he keyed up that they would hear him whatever he said.

He believes that the radio switch during the struggle in the car, but he's not positive, actually, because he's not usually on channel 3, excuse me, not channel 3.

When Wilson got back to the station he washed the blood off of his hands. His primary concern was not of evidence, but as a biohazard or what possible blood hazards it might attract.

So no one at the station photographed Officer Wilson's hands because there was no one there to photograph them.

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Right after he washed his hands he went to the roll call room, he made his gun safe, which means he took out any bullet and packaged it as evidence, that's how he described it to us.

He did not wait for somebody else to bag that as evidence because he saw blood on the gun, thought it was Brown's blood, wanted to preserve the DNA. He didn't want to risk because he believed that would prove that he had his hand on the gun.

There was a Ferguson Police Officer

at the station when he arrived.

He told , he said to , I just shot someone. Officer did not ask him any more questions.

He said Officer may have seen him package his gun, but he wasn't positive.

He called, Wilson called his attorney when he got to the station. Officer Wilson knew that was the attorney to call if he was ever involved in a shooting.

They had EMS, which there is a block house right next door to the Ferguson Police Department. They had EMS come over and perform an

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assessment.

Ferguson Police Lieutenant came to check on Wilson. Lieutenant did not ask any questions about what happened and also Ferguson Police Officer came into the roll call room to give Wilson card that he had, but he already made the phone call.

Wilson knew not to talk to anyone until he spoke with an attorney and he did not comment on what happened.

After the Attorney arrived, St. Louis County Police Department Detective and Lieutenant Colonel also came to speak with Wilson.

Between and Wilson, they noticed Wilson's face was red and swollen, so they collectively decided they were going to take him to the hospital. They took him to Christian Northwest emergency room. Shortly before they took him there, Wilson described Detective started the interview at the station and continued it after they got to the emergency room.

Officer Wilson described being assaulted in the past as a police officer and said it was not to the extent it had been with Brown. No

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one had ever before attempted to take his firearm.

Officer Wilson had been trained to use physical force when a physical threat was present.

Michael Brown became an immediate threat to Wilson's safety when Michael Brown came into the car, when Michael Brown hit Officer Wilson.

Michael Brown went for Officer Wilson's firearm and Michael Brown charged towards Officer Wilson after Brown had already run away.

Michael Brown was a threat to the safety of others as he ran away from Officer Wilson.

Q Now, what you're saying right now, this is what Officer Wilson is telling you, correct?

A Yes, ma'am, correct.

Q This isn't your statement?

A No, it is not my statement. Correct, I apologize for not clarifying that. Everything I was saying was what was relayed to me by Mr. Wilson. In no way, shape or form am I offering any opinion whatsoever.

Q Okay. Is that pretty much the conclusion of the statement?

A Yes. The last thing was it is the sergeant's responsibility to write a use of force

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report. It is Wilson's responsibility to write an incident report, but as of August 28th, 2014, Officer Wilson had not been back to the station, so he has not had the opportunity to write an incident report.

Q So he's basically told you that after the shooting and contacting, having contact with Sergeant he goes directly to the Ferguson Police Department, can't talk to anybody about this until possibly his attorney arrives and then ?

A Yes, ma'am.

Q And he also tells you that no one had possession of his gun from the time he left the scene until he made it safe and packaged it in that envelope?

A Yes, ma'am.

Q He also told you, did he also tell you, I should use notes, did he tell you that he had sustained any other injuries to the backs of his hands or on his hands?

A He made a statement that he had no cuts.

Q Okay.

A So I don't know at what point he realized that, but he believed the blood on his hands was

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Michael Brown's.

Q Okay. Well, this is the 28th, this is too far after the incident.

MS. ALIZADEH: Sheila, do you have any additional?

MS. WHIRLEY: I do.

Q (By Ms. Whirley) So he, on August the 9th this occurred and you didn't interview him until August 28th?

A Correct.

Q However, he told you that he saw the Cigarillos in Michael Brown's hand at some point?

A Yes, ma'am.

Q At what point was that?

A That was, initially when he made contact with both Dorian Johnson and Michael Brown, his attention was drawn to Dorian Johnson because Dorian was first and also responded to his, hey, can you guys use the sidewalk, or whatever verbiage he had used.

When he said what's wrong with the sidewalk, his attention was then turned towards Michael Brown because Michael Brown responded to him, "fuck what you have to say," or excuse me, I'm sorry, yes, that's what he said. Once Michael Brown

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said that, his attention was drawn, Officer Wilson's attention was drawn to Michael Brown, at which time he then saw the Cigarillos that Michael Brown was holding.

Q All right. So he saw the Cigarillos before any physical altercation, right?

A Yes, ma'am.

Q Did he say that when Michael Brown was handing something over to Dorian Johnson, that he knew he was handing him Cigarillos?

A I believe so, but I'm just going to check my notes.

Q Okay.

A Yes, he specifically stated.

Q He specifically stated he knew he was handing him Cigarillos?

A Yes, ma'am.

Q Okay. He said he intended to wait on an assist car before approaching these two males?

A Before attempting to arrest.

Q Did he say why, I guess that changed, because what happened to change that, did he say?

A Well, he was going to get out and try to stall, try to have a conversation with them in a sense, well, at least he was not going to ask them

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about the robbery. I don't necessarily, forgive me, I don't think he said arrest, he just said before he even mentioned anything about the stealing in progress, he was going to wait for other officers to get there.

Q Okay. So did he, so he said he knew about the stealing in progress because of the Cigarillos. He was not going to mention the stealing in progress, he was just going to stall them?

A Right.

Q Did he talk to you about what he went out on his radio to say that he was doing a check with two people, to send him a car?

A Yes.

Q Did he say that he told the dispatcher hey, I've got two guys involved in this stealing at this Ferguson Market and I see one with Cigarillos?

A Right, no, he did not say that. He specially mentioned the fact he doesn't often asked for assistance on calls, so when people hear him over the radio saying, send me more cars, they know he needs another car.

Why he didn't mention the stealing would be my conjecture.

Q But let me say he didn't?

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A Correct, he did not.
Q But the dispatcher knows if he calls for assistance, they need to send assistance right away?
A Yes, ma'am.
Q And he did call for assistance?
A Yes, ma'am.
Q He didn't tell anybody the nature of the call?
A Correct.
Q Okay. Now, you mention that he said when Michael Brown was running away, was not an immediate threat?
A To him.
Q To him. Did he say why he thought Michael Brown would continue to run? I think that's what you said that he knew he would continue to run?
A That was based on his training and experience that he believed Michael Brown starting to run away, and based off his training and experience he believed Michael Brown was going to continue running versus stop and turn around.
Q And did that factor into his thought pattern, did he say? Did you understand what that meant?
A In that limited perspective, yes. But

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again, I also am trained in law enforcement, so I understand. So to go further to explain why he may have thought that would be putting my personal understanding, not using, putting words into his mouth.

Q Okay. And you certainly cannot speak for that officer and we don't want you to.

A Correct, yes.

Q But tell me what you mean by your personal experience as a law enforcement officer?

A Someone running who runs away, who as he described it, attempted to assault him. And then was not going to and had not yet complied, would likely not, but you would still be prepared at this point for whatever happens.

Q So when Michael Brown said something like, "fuck what you say," or something, did he say that that was a comment that required him to confront him about it?

A No, he did not.

Q Okay. So when he backed up, did he say he backed up?

A He reversed the vehicle.

Q That was strictly about confronting about the Cigarillos?

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A Yes, ma'am.

Q Did he say he ever said anything to them about the Cigarillos?

A He did not.

Q Okay. Now, again, I wasn't clear, what hand did he say Michael Brown put towards his waistband?

A At what point, when he was at the vehicle or when he had run away?

Q Okay. At what point did he say Michael Brown put his hands towards his waistband? I'm talking about Michael Brown's own waistband.

A Yes, ma'am, I am sorry, let me clarify why I have a question.

Q Okay.

A Because he was, when they were at the vehicle and Officer Wilson fired the first shot, he describe Michael Brown, more of his hip, but I apologize because I picture his waistband, he put both of his hands towards his --

Q You talking about Michael Brown's waistband?

A Yes, no, no, no, he said Michael Brown, after he was hit put, Michael Brown's hand towards Michael Brown's right hip. When they were

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struggling for the gun, he twisted towards Officer Wilson's left hip.

Q Okay.

A But I'm sorry, Michael Brown ran away, stops, turns around, grunts, hops and stick his right hand in his waistband.

Q Okay.

A That's as Officer Wilson described it.

Q Okay. So once Michael Brown goes down after he's shot and he's prone on the ground, correct?

A Yes, ma'am.

Q What did Officer Wilson say he did?

A What Officer Wilson did?

Q Uh-huh.

A He said at that point in time they were approximately 8 feet apart. He said he never, he didn't approach.

Q He didn't check for a pulse?

A He did not.

Q Or call an ambulance?

A No, he did not. He radioed, "send me a supervisor and every car you got."

Q When he said he asked for a supervisor, he said someone was lying either injured or dead on the

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ground?

A He did not.

Q Now, you've had occasion to collect his employee or personnel records; is that right?

A Yes, ma'am.

Q Have you had a chance to review them?

A Yes.

Q Is there anything of evidentiary value when I ask that question about evidentiary value, I mean anything that's significantly bad or good about his records, or that might factor into this case?

A I did. I did read that Officer Wilson received a letter of accommodation for handling a call when he was an officer with Jennings Police Department.

Q Anything else?

A There was, there were, he did have use of force reports, but that's standard practice. I didn't see anything out of the ordinary. There was a complaint made against him and two other officers describing that was ultimately found to be unfounded, to describe Officer Wilson and two others attacks, an African-American male who was just walking down the street in the city and used racial slurs towards him, beat him up so badly that he had

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bleeding on his brain.

What was found to have actually happened was this gentleman was breaking in and was inside Officer Wilson's car. The three officers who were off duty at the time went outside and tried to detain him, he ran away.

When they chased him, I don't know which one of them tackled him on the ground, he hit his face on the way down.

This was an internal affairs investigation, the investigation was completed and they discussed with the hospital that the individual, the person who was either the victim of use of force or stealing a car, his injuries were consistent with what the officers described and that there was no bleeding of the brain.

The woman who made the complaint was not an eyewitness, but the aunt of the individual.

Q The subject that was injured?

A Yes, ma'am.

Q Or that committed the crime?

MS. WHIRLEY: Anyone else, questions?

: Just one comment, sorry,

The one comment you said that really caught my attention, I'd like kind of go with more

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if we could, you mentioned that Darren in reference to this neighborhood said it is an area known for gangs, violence, guns and he didn't feel safe. And I think that really, I don't know, is alarming to hear. So how would you kind of say that fit into the case or was there more depth to it when he said that.

A It had to do with, I guess the atmosphere. He described that when almost immediately after, he's not sure when it happened, but once Michael Brown was down on the ground, the residents were outside. He said, and the crowd kept growing increasingly hostile because he knows from being a police officer in that area, people generally don't like to see the police.

So based on the fact of what just happened, he did not feel safe. Whether it means by, it would be my conjecture and I can't do that.

. Is there any part of Officer Wilson's testimony or statement that you believe is in conflict with any of the physical evidence you are aware of?

A I don't, I cannot make that judgment. My sole purpose is simply to collect the facts. It is up to the prosecuting attorneys and any future jury

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to kind of make that determination.

MS. ALIZADEH: Can I ask you a question, though, prior to you questioning Darren Wilson, to your knowledge had he read any police reports documenting the investigation?

A Not to my knowledge, no.

MS. ALIZADEH: Have any reports, first of all if he has, I haven't gotten any reports, so I don't know where anybody else would have them. To your knowledge, he had no knowledge of the investigation?

A Correct.

MS. ALIZADEH: And then regarding autopsy reports, to your knowledge, Dr. who was the medical examiner in this case, he had not read that report; is that correct?

A No, he had not. If Officer Wilson knew anything about the case, it is the same thing anyone who heard in the news what was ever released to the news is what he would know. Ferguson Police Department is not doing an investigation, that was turned immediately over, the homicide investigation was turned immediately over to St. Louis County.

As far as civil rights is concerned, FBI is notoriously tight lipped. So, no, we would

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not give him any information.

MS. ALIZADEH: We can ask him when he testifies what he may have learned or whatever or what have. Are you aware that there is all kind of rumors and talk about various things involving what people believe happened in this case, correct?

A Yes.

Q And to your knowledge though, as far as the physical evidence like where the shell casings were or where blood was found or any of that type of evidence, he wouldn't have privy to?

A No, he would not be privy to, other than being actually on the scene, but no, no reports. : . When you first, when he said he got to the police station, he washed his hands and he didn't have anybody take pictures because there was nobody else there. But then later he said that he saw a police officer, so was there. Was the only officer that was there?

A At that time, I think the way I interpreted his statement to us is he gets to the station, no one is there that he sees immediately. I don't believe he went searching, he didn't say he went searching, but he has blood on his hands. His

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first thought is let me get this off.

So when he goes to the roll call room, then he says Officer

And then they have whatever brief conversation that he was involved in a shooting, that's it.

: Your interview with him was on 8/28?

A It was.

: The incident took place on 8/9?

A It did.

: Was there a reason why you took that long of a time between, I think that you were in an interview with a witness the day after or three days after it took place?

A Yes, ma'am.

: If it is about him.

A Correct.

I was just wondering why the interviews were so --

A I know that.

: I'm just curious.

A No, the reason why because he had been

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interviewed, because we had an audiotaped statement and what was more important, we had witnesses out there who had not been interviewed. We felt it was most important to get those witnesses.

MS. WHIRLEY:

: Yes, . I want to go back to when Michael Brown says, "fuck what you have to say."

A Yes.

: Officer Wilson puts his car in reverse?

A Yes, sir.

: Did he mention he said, what did you say?

A He didn't specifically, that's not in my notes. Are you asking if Officer Wilson asked what did you say?

: Yes.

A No, I can't remember if I remember from the interview or from hearing his statement. I didn't specifically write it down and normally if I don't specifically remember from that interview or write it down, it doesn't mean it wasn't said, I don't recall.

: Okay. You also mention, I

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guess, the part where he was charging him, he had his hands, can I stand up?

A Yes, sir.

: He had his hands on the right side?

A Yes, he said right.

: And he started charging him.

A Yes, sir.

: With his head down, is that correct?

A When he said head down, I don't know, let me refer to my notes to make expire I have it right.

: I'm just saying because I guess he's listed like at 6'4", 6'5".

A Yes, sir.

: Seems that would be kind of awkward for somebody to be charging you that way?

A It was, I can give me you my impression that I don't think it was quite at that right angle that you demonstrated from, just to describe for the court reporter. He said head down. At what angle, I'm not sure.

MS. WHIRLEY: Can you demonstrate the angle, did he demonstrate the angle for you?

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A Leaning forward, yes I don't --

MS. WHIRLEY: Can you stand up and show us what he showed you?

A Just leaned over.

MS. ALIZADEH: Any other questions?

: . To coincide with what he said, the question he asked, is it possible that he could have got hit there and bent over from pain?

A I can't answer that. I'm not a forensic pathologist or a doctor, that would be more --

I did have a question. When Officer Wilson, going back to the office.

A Yes, ma'am.

: The department office. Did he say after he washed his hands why he did not write a report?

A No, he didn't.

: Did he have, did you ask the question?

A I didn't. I can only speak from generally in those cases when an officer is involved in a shooting, I know they tell us to not talk to anybody until our attorney is present. So that could be a huge factor. Is that his answer? I don't know, I

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was just to answer generally.

MS. WHIRLEY: .

: I'm just hoping that I have written this down correctly. But I believe you had mentioned that Officer Wilson, Darren Wilson said he went to his vehicle, which was still running, reached in and shut off the car. That's the first I heard of that.

A He pulled the keys out of the car.

: It was still running?

A Yes, that's the impression that I got that the car is in park, I'm assuming because the car would have been rolling away if he didn't at least put it in park.

: Okay.

A He didn't specifically say that, he got the keys out of the car.

: Okay.

A I thought it was still running.

: Okay.

A I thought that was what he had said.

: That was your interpretation?

A No, I thought he said that.

Were those his words?

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A I believe those were his words.

You believe those were his words. And then he goes on to state, if I'm understanding this correctly, that Sergeant is that correct, ?

A Yes.

: Okay. Told him to get back in his vehicle, is that my understanding?

A Yes.

In the vehicle in question that was involved in this incident?

A That is what Sergeant told him, that is not what Officer Wilson did.

: Okay.

A That's what Officer Wilson said Sergeant told him.

: Okay. And he didn't do it and then told him to take personal patrol car and drive back to Ferguson. Is this in with another officer in the vehicle with him or another?

A By himself.

: By himself. I thought there was another officer involved or something.

My understanding, like I said, when he got

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to the Ferguson Police Department, he had blood on his hands reported. He wasn't photographed, nobody knows how much blood he had on his hands, anything left in vehicle?

A That's a good question. I don't know. I don't know that Sergeant vehicle was looked at.

: Okay.

MS. WHIRLEY: Anything else? Kathi?

MS. ALIZADEH: I've got nothing else. Again, you were active in other aspects of this investigation and should we need to recall you on a future date, would you be available to testify?

A I would.

MS. ALIZADEH: All right. Nothing further.

(This is the end of testimony.)

(Recess)

MS. ALIZADEH: This is Kathi Alizadeh. It is about 3:20 on the 16th of September. We are about to call our final witness, Darren Wilson. And as usual, Sheila and I will be asking him questions and you are free to ask questions either interrupting or wait until the end, however you feel

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is better for the flow of things.

He is here and prepared to answer questions. I would tell you that any conversations that he has had with his attorney, because you heard him talk and we have heard testimony that he has had an attorney during parts of this, anything that he and his attorney have talked about are what we call privileged communications. And so you can't ask him about what did you tell your attorney or what did your attorney say about that, all right.

Any other questions that you think are relevant are fair game, but the communications between anyone and their attorney are privileged and we can't inquire about that, all right? All right. That being said, I am going to let him walk in and get sworn.

DARREN WILSON,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q So introduce yourself to the grand jurors,

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tell us your name and spell your name for the court reporter, please?

A My name is Darren Wilson. D-A-R-R-E-N, last name W-I-L-S-O-N.

Q Have you appeared before this grand jury before?

A No, I have not.

Q So you've never, nobody is familiar to you here, correct?

A No, ma'am.

Q All right. You are currently on leave or what's your status right now?

A I am on paid administrative leave.

Q Now, we have never met before, have we?

A No, ma'am.

Q And we did meet right before you came here today, when you came here today and I talked to you and your attorneys?

A Correct.

Q And you came here voluntarily?

A Correct.

Q And you were told that if you wanted to consult with your attorneys you could?

A Correct.

Q Okay. And you want to be here and tell

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the jurors what happened; is that correct?
A That's correct.
Q So August the 9th of 2014, you worked as a police officer for the Ferguson Police Department?
A Correct.
Q That means you are a certified police officer?
A Correct.
Q Had you completed all your training and kept up with your continuing education as a certified officer does?
A Yes, ma'am.
Q You have the power of arrest?
A Correct.
Q In the State of Missouri?
A Yes, ma'am.
Q What's your height?
A 6'4", just a shy under 6'4".
Q A little under 6'4"?
A Yes, ma'am.
Q And how much do you currently weigh?
A 210-ish.
Q That's been your weight for a while?
A Yeah, it fluctuates between 205, 212, 213, something like that.

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Q Of course everybody knows why we're here, so let's just get to it.

A Okay.

Q Let's talk about your day on August the 9th. What shift did you work?

A Day shift.

Q And what shift would that be, what hours?

A 6:30 a.m. to 6:30 p.m.

Q Twelve hour shift?

A Correct.

Q Had you worked the day before?

A Yes, I had.

Q Same shift?

A Yes.

Q You weren't working like midnights the night before?

A No, ma'am.

Q When you started your shift, did anything happen that you consider very eventful? I mean, earlier that day, prior to 10:00 let's say, 10:00 a.m.

A No, ma'am.

Q Had you answered any calls prior to 10:00 a.m.?

A I don't recall, I don't believe so, but I

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don't recall, nothing stands out in my memory.

Q It was a pretty quiet day initially?

A Yes, ma'am.

Q Now, at some point you had a sick call, a sick baby, I think?

A Yes, ma'am.

Q And that would have been 11-ish or so?

A I think it was around 11:30-ish, somewhere in that vicinity.

Q That was near the Canfield Green Apartments?

A Yes, ma'am, it was actually past them in the adjoining apartment complex.

Q And what do they call those apartments?

A I believe that apartment is called Northwinds.

Q Northwinds. Okay. And it is like east of the Canfield Green, behind those apartments?

A Correct.

Q When you went on that call, did you have assistance?

A No, I did not.

Q All right.

A Not police assistance.

Q No police assistance?

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A No.
Q You handled that call by yourself?
A Yes, ma'am.
Q And did you have any confrontation with anybody or was everything, was it a pretty as a matter of fact call?
A It was a pretty laid-back call. It was for a sick infant, I believe, only a couple months old.
Q Okay.
A I believe she had a fever, I'm not 100 percent sure.
Q Let me ask this question, can everybody hear him? Speak up. I usually stand in the back of the room so we can have a conversation. As you can tell, my voice really carries, so try to, you know, speak up so everybody can hear you.
A Okay.
Q So the baby was an infant?
A Correct.
Q Was the baby not breathing, what was the call, do you recall?
A I believe it was for a fever.
Q Fever you said, I'm sorry.
Ambulance arrived?

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A Yes, ambulance arrived at the same time I arrived.
Q Okay. Baby went to the hospital with its mother?
A The mother and baby were transported.
Q After that, what did you do?
A I returned to my vehicle and then started to leave the apartment complex.
Q Okay. Did you get any other calls between the time of the sick baby call and your interaction with Michael Brown and Dorian Johnson?
A While on the sick case call, a call came out for a stealing in progress from the local market on West Florissant, that the suspects traveling towards QT. I didn't hear the entire call, I was on my portable radio, which isn't exactly the best. I did hear that a suspect was wearing a black shirt and that a box of Cigarillos was stolen.
Q Okay. And was this your call or you just heard the call?
A It was not my call, I heard the call.
Q Some other officers were dispatched to that call?
A I believe two others were.
Q Was it a call that you were going to go to

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also?

A No.

Q So you weren't really geared to handle that call?

A No.

Q Tell us how you were dressed that day on August the 9th?

A How I was dressed?

Q Yes.

A I was wearing my full department uniform, light duty boots, dark navy blue pants, my issue duty belt, with my uniform shirt and that was it.

Q All right. And so when you say, when you are in uniform, you were not a detective?

A No, ma'am.

Q You weren't dressed the way you are dressed here today?

A No, ma'am.

Q So your uniform is like a uniform police officer and when you are walking around I can clearly see oh, that's a police officer?

A Yes, ma'am, I believe it is french blue uniform shirt, had patches for Ferguson on both sides, badge, name tag.

Q Okay. And you were in what type of

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vehicle?

A I was in a Chevy Tahoe police vehicle fully marked with a light bar.

Q Fully marked, okay. Tell us, you were mentioning your radio or what is this you spoke about?

A Walkie is what we normally call it.

Q I'm sorry?

A Our walkie is what we normally call it.

Q Like a walkie-talkie or something?

A Yes, ma'am.

Q And it did work that day?

A Yes.

Q Okay. And it was on which shoulder?

A I wear it on my left shoulder.

Q Are you left or right-handed?

A I'm right-handed.

Q Okay. Tell us what else is on your duty belt?

A I have my, I'll go in order. Magazine pouches sit right here, my weapon is on my right hip, I have an asp that sits kind of behind me and kind of to the right and then a set of handcuffs, another set of handcuffs, my OC spray or mace is on this side and then my radio and that's it.

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Q Okay. So your mace is on your left side and your gun is on your right side?

A Correct.

Q What type of weapon did you carry?

A I carry Sig Sauer, a P229 .40 caliber.

Q How many cartridges or bullets would it hold?

A It has 12 in the magazine and one goes in the chamber, so a total of 13.

Q You had a couple spare magazines on your belt?

A Correct.

Q That had 12 each?

A Correct.

Q Did you carry a taser?

A No.

Q Why not?

A I normally don't carry a taser. We only have a select amount. Usually there is one available, but I usually elect not to carry one. It is not the most comfortable thing. They are very large, I don't have a lot of room in the front for it to be positioned.

Q Had you been trained on how to use a taser?

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A Yes, ma'am.
Q Have you ever used a taser before?
A I believe I have, but it wasn't one that I carried. It was one that I used from someone else on a scene. I can't remember the time or where I used it.
Q You prefer not to have a taser?
A Correct.
Q So that day you had mace, you said, on your left side?
A Correct.
Q All right. You are coming west, is it on Canfield Drive?
A Yes, I started out on Glenark and then I turn onto Bahama and then onto Glen Owen, and then I turned on Windward, which actually turns into Canfield Green and that's where I was going west on that.
Q West on Canfield Drive?
A Yes, ma'am.
Q Okay. We are going to get a map here shortly so you can kind of map it out for us.
So as you are going west on Canfield Drive, what happens?
A As I was going west on Canfield, I

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observed two men in the middle of the street, they are walking along the double yellow line single file order.

Q Okay. And you say something to them, did they say something to you first?

A No, you want me to just go with the whole thing?

Q Sure, go ahead, let's start there.

A I see them walking down the middle of the street. And first thing that struck me was they're walking in the middle of the street. I had already seen a couple cars trying to pass, but they couldn't have traffic normal because they were in the middle, so one had to stop to let the car go around and then another car would come. And the next thing I noticed was the size of the individuals because either the first one was really small or the second one was really big.

And just for the conversation, I didn't know this then, but the first one's name was Dorian Johnson, the second one was Michael Brown. That was discovered, I think, the following day is when I learned the names. I had never seen them before.

And then the next thing I notice was

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that Brown had bright yellow socks on that had green marijuana leaves as a pattern on them. They were the taller socks that go halfway up your shin.

As I approached them, I stopped a couple feet in front of Johnson as they are walking towards me, I am going towards them. And I allowed him to keep walking towards my window, which was down. As Johnson came around my driver's side mirror I said, "why don't you guys walk on the sidewalk." He kept walking, as he is walking he said, "we are almost to our destination."

Q Do you think he used those words destination, we are almost to our destination?

A Yes, ma'am. He said we are almost to our destination and he pointed this direction over my vehicle. So like in a northeasternly (sic) direction. And as he did that, he kept walking and Brown was starting to come around the mirror and as he came around the mirror I said, "well, what's wrong with the sidewalk." Brown then replied, um, it has vulgar language.

Q You can say it, say it.

A Brown then replied, "fuck what you have to say." And when he said that, it drew my attention totally to Brown. It was a very unusual and not

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expected response from a simple request.

When I start looking at Brown, first thing I notice is in his right hand, his hand is full of Cigarillos. And that's when it clicked for me because I now saw the Cigarillos, I looked in my mirror, I did a doublecheck that Johnson was wearing a black shirt, these are the two from the stealing.

And they kept walking, as I said, they never once stopped, never got on the sidewalk, they stayed in the middle of the road.

So I got on my radio and Frank 21 is my call sign that day, I said Frank 21 I'm on Canfield with two, send me another car.

I then placed my car in reverse and backed up and I backed up just past them and then angled my vehicle, the back of my vehicle to kind of cut them off kind to keep them somewhat contained.

As I did that, I go to open the door and I say, hey, come here for a minute to Brown. As I'm opening the door he turns, faces me, looks at me and says, "what the fuck are you going to do about it", and shuts my door, slammed it shut. I haven't even got it open enough to get my leg out, it was only a few inches.

I then looked at him and told him to

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get back and he was just staring at me, almost like to intimidate me or to overpower me. The intense face he had was just not what I expected from any of this.

I then opened my door again and used my door to push him backwards, and while I'm doing that I tell him to, "get the fuck back", and then I use my door to push him.

Q You tell him to, "get the fuck back"?

A Yes.

Q Okay.

A He then grabs my door again and shuts my door. At that time is when I saw him coming into my vehicle. His head was higher than the top of my car. And I see him ducking and as he is ducking, his hands are up and he is coming in my vehicle.

I had shielded myself in this type of manner and kind of looked away, so I don't remember seeing him come at me, but I was hit right here in the side of the face with a fist. I don't think it was a full-on swing, I think it was a full-on swing, but not a full shot. I think my arm deflected some of it, but there was still a significant amount of contact that was made to my face.

Q Now, he was hitting you with what hand?

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A I believe it was his right, just judging by how we were situated.

Q Right.

A But like I said, I had turned away, had my eyes, I was shielding myself.

Q Where did you see the Cigarillos at?

A They were in his right hand.

Q Okay. Were there any broken Cigarillos or anything in your car later?

A No, I don't remember seeing anything on the ground or anything.

Q Okay.

A After he hit me then, it stopped for a second. He kind of like, I remember getting hit and he kind of like grabbed and pulled, and then it stopped. When I looked up, if this is my car door, I'm sitting here facing that way, he's here. He turns like this and now the Cigarillos I see in his left hand. He's going like this and he says, "hey man, hold these."

Q So you start out with Cigarillos in his right hand?

A Correct.

Q At this point they are in his left hand?

A Correct.

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Q He didn't have like two hands of Cigarillos?

A No, I only saw them in one hand.

Q You only saw them in one, okay, go ahead.

A And he reaches back and he says, "hey man, hold these." I'm assuming to Johnson, but I couldn't see Johnson from my line of sight.

Q But you could tell he was giving Johnson Cigarillos?

A Yes, I saw them in his hand go around.

Q All right.

A And he said, "hey man, hold these." And at that point I tried to hold his right arm because it was like this at my car. This is my car window. I tried to hold his right arm and use my left hand to get out to have some type of control and not be trapped in my car any more. And when I grabbed him, the only way I can describe it is I felt like a five-year-old holding onto Hulk Hogan.

Q Holding onto a what?

A Hulk Hogan, that's just how big he felt and how small I felt just from grasping his arm.

And as I'm trying to open the door is when, and I can't really get it open because he is standing only maybe 6 inches from my door, but as I

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was trying to pull the handle, I see his hand coming back around like this and he hit me with this part of his right here, just a full swing all the way back around and hit me right here. (indicating)

After he did that, next thing I remember is how do I get this guy away from me. What do I do not to get beaten inside my car.

I remember having my hands up and I thought to myself, you know, what do I do.

I considered using my mace, however, I wasn't willing to sacrifice my left hand, which is blocking my face to go for it. I couldn't reach around on my right to get it and if I would have gotten it out, the chances of it being effective were slim to none. His hands were in front of his face, it would have blocked the mace from hitting him in the face and if any of that got on me, I know what it does to me and I would have been out of the game. I wear contacts, if that touches any part of my eyes, then I can't see at all.

Like I said, I don't carry a taser, I considered my asp, but to get that out since I kind of sit on it, I usually have to lean forward and pull myself forward to the steering wheel to get it out. Again, I wasn't willing to let go of the one

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defense I had against being hit. The whole time, I can't tell you if he was swinging at me or grabbing me or pushing me or what, but there was just stuff going on and I was looking down figuring out what to do.

Also, when I was grabbing my asp, I knew if I did even get it out, I'm not going to be able to expand it inside the car or am I going to be able to make a swing that will be effective in any manner.

Next I considered my flashlight. I keep that on the passenger side of the car. I wasn't going to, again, reach over like this to grab it and then even if I did grab it, would it even be effective. We are so close and confined.

So the only other option I thought I had was my gun. I drew my gun, I turned. It is kind of hard to describe it, I turn and I go like this. He is standing here. I said, "get back or I'm going to shoot you."

He immediately grabs my gun and says, "you are too much of a pussy to shoot me." The way he grabbed it, do you have a picture?

Q I do have some pictures of your gun. Well, you can tell us if it is your gun, I believe

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it is.

A My gun was basically pointed this way. I'm in my car, he's here, it is pointed this way, but he grabs it with his right hand, not his left, he grabs with his right one and he twists it and then he digs it down into my hip. (indicating)

MS. WHIRLEY: Kathi, can you do the computer? I'm going to let you see these photos from Grand Jury Exhibit Number 10, and there's some numbers on the back of these photos just so we can keep track of what you are looking at. And I'm going to announce what they are and then I will let you tell us a little bit about them, okay?

A All right.

Q Let me just get my glasses. These are Grand Jury Exhibit Number 10, but the photo that I'm showing you is 60, 66, 63, so they're not in order and then 69, so if you could look at all of those photos. And tell me if that represents what you know to be your weapon and your ammunition?

A Yes, it does.

Q Let me see if we can get this, let me try to get this started. We'll talk a little bit about while we're working on that. So those are photos of your weapons; is that correct?

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A Yes, ma'am.

Q And would those photos help you to sort of explain or to explain to the grand jurors what took place regarding the struggle with your weapon that you were trying to describe to us?

A I think this would be the most helpful.

Q Okay. And we are going to put it on the projector as soon as we can and have you, you know, tell us what's going on.

I have a few other questions while we are waiting on that. So during the time that he's, you said Michael Brown is striking you in the face through the car door?

A Right.

Q And it was your opinion that you needed to pull out your weapon because why did you feel that way, I don't want to put words in your mouth?

A I felt that another one of those punches in my face could knock me out or worse. I mean it was, he's obviously bigger than I was and stronger and the, I've already taken two to the face and I didn't think I would, the third one could be fatal if he hit me right.

Q You thought he could hit you and it would be a fatal injury?

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A Or at least unconscious and then who knows what would happen to me after that.

Q There you go, thank you, Kathi.

You had not ever met Michael Brown or Dorian Johnson before this date?

A No, ma'am.

Q Never had any interaction with them at all?

A No, ma'am.

Q Okay. So this is Number 60. Why don't you come over here, Darren Wilson, and kind of tell us.

A If you picture that --

Q You can do it from there?

A I can probably show with my hands.

Q You want to use this to kind of?

A No, I'll just do it with my hands. If that's pointed at me, I'm holding that like this. So it is pointed at, I would be Brown, he grabbed with his hand over the top like this manner and then twisted it down like this. And when it twisted, it ended up being like this in my hip. That's all I needed that for. (indicating)

Q That's all you needed?

A Yeah, just so I can show them how it

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twisted and went down into my hip.

Q Okay. Since we have the projector up, let's look at some of the photographs because you did go to the doctor or to the hospital; is that right?

A Yes, ma'am.

Q And you mentioned being struck in the face before you pulled your weapon?

A Yes, ma'am.

Q So let's just look at those before we move on since we are here. These are also from State's Exhibit Number, Grand Jury Exhibit Number 10.

If you could look at these photos, you do know those to be you, correct?

A Yes, ma'am.

Q All right. So you give me that one, I guess I'm going to let Kathi maybe help me here. This is photo number six. And that's you?

A Correct.

Q Is that you at the hospital on August the 9th?

A Yes, ma'am.

Q And why did you go to the hospital?

A For my face being swollen.

Q Was there any other injuries that you had

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other than your face?

A They had discovered there that I had scratches on the back of my neck.

Q Okay. Anything else, tell us about your injuries?

A I had a swollen right cheek, my left they said was swollen, I had scratches around my hairline in the back and I think on the side of my neck, but that's all that I remember.

Q Any injuries to your hand?

A No.

Q Okay, let's see. Show me which one of those photos duplicates the injury to your face?

A That one you can see the right side of my face swollen pretty good.

Q Okay. And this is Number 12?

A That one looks like it has bruising and swelling on it.

Q Where is the swelling to your face on that one?

A It was on my right side, that was the main injury.

Q Point to it for us?

MS. ALIZADEH: Here, if you want to use the laser pointer, hopefully it will work.

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A Right in this area. (indicating)
Q (By Ms. Whirley) That's the swelling to your face?
A Yes, ma'am.
Q Okay. And this is Number 30 and you said this depicts the swelling too?
A I think it shows the bruising on the side of my face.
Q The bruising on the side of your face. And kind of show us where you see the bruising?
A This area right here. (indicating)
MS. WHIRLEY: Yes.
: . Can we pass those around?
MS. ALIZADEH: I'm going to, yeah, I'm going to.
A That was kind of the same.
Q (By Ms. Whirley) Okay. This is number 24?
MS. ALIZADEH: Wait a minute, there is two.
MS. WHIRLEY: 24 is what I'm trying to look at.
MS. ALIZADEH: This is 27.
MS. WHIRLEY: This is 24. Now, what are we looking at there?

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A That's the left side of my face.

Q (By Ms. Whirley) So you had, describe what we are looking at?

A I can't really tell from that.

Q Okay.

A I can't see from this angle.

Q Let me let you look at it again.

A I think there was swelling to my face in that area too. I never saw my face after, this is the first I've seen.

Q Does it look like swelling? You know your face better than we do, does that look like swelling?

A I can't tell with that angle with the ruler.

Q You can't tell on that one? What about this one?

A That one I can tell from down by my, down in this area looks swollen to me.

Q Okay. And this is Number 27. Were there any other photos that you think kind of show your injuries?

A This one you can see the scratches in that area.

Q Okay.

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A Here is a close-up of it.

Q This is Number 33 and you say you can see scratches on the back of your neck?

A Right in here. (indicating)

Q Okay.

A This is just showing the red marks on my face on this one, on my neck on that one.

Q Okay. This is Number 54. And you can kind of point to where the red marks are on your neck?

A It is hard to see on that. It is in this area right there. (indicating)

Q Okay.

A Most of those are the same.

Q Okay. Any more of those you want us to see?

A It is hard to tell from the pictures and that angle. I think the best one was looking straight forward at me.

Q Okay. And they've already got those. All right, thank you.

All right. So you suffered the injury to your face and you showed us where the gun was grabbed and at the time when there is a struggle for the gun, take us from there.

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A He grabs my gun, says, "you are too much of a pussy to shoot me." The gun goes down into my hip and at that point I thought I was getting shot. I can feel his fingers try to get inside the trigger guard with my finger and I distinctly remember envisioning a bullet going into my leg. I thought that was the next step.

Q I'm going to stand back so you can talk a little louder.

A As I'm looking at it, I'm not paying attention to him, all I can focus on is just this gun in my leg.

I was able to kind of shift slightly like this and then push it down, because he is pushing down like to keep it pinned on my leg. So when I slid, I let him use his momentum to push it down and it was kind of pointed to where the seat buckle would attach on the floorboard on the side of my car.

Next thing I remember putting my left hand on it like this, putting my elbow into the back of my seat and just pushing with all I could forward.

Q Were you saying anything?

A I don't know.

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Q You don't know if he was saying either?

A I heard stuff, but I couldn't tell you what it was.

Q Okay.

A Like I said, I was just so focused on getting the gun out of me. When I did get it up to this point, he is still holding onto it and I pulled the trigger and nothing happens, it just clicked. I pull it again, it just clicked again.

At this point I'm like why isn't this working, this guy is going to kill me if he gets ahold of this gun. I pulled it a third time, it goes off. When it went off, it shot through my door panel and my window was down and glass flew out of my door panel. I think that kind of startled him and me at the same time.

When I see the glass come up, it comes, a chunk about that big comes across my right hand and then I notice I have blood on the back of my hand.

After seeing the blood on my hand, I looked at him and he was, this is my car door, he was here and he kind of stepped back and went like this.

And then after he did that, he looked

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up at me and had the most intense aggressive face. The only way I can describe it, it looks like a demon, that's how angry he looked. He comes back towards me again with his hands up.

At that point I just went like this, I tried to pull the trigger again, click, nothing happened.

Q When you say he came back up to you with his hands up, describe to us what he is doing?

A Last thing I saw was this coming at me.

Q Was it a fist?

A I just saw his hands up, I don't know if they were closed yet, on the way to going closed, I saw this and that face coming at me again, and I just went like this and I shielded my face.

Q And you did what?

A Went like this and shielded my face.

Q Did he hit you at that time?

A Yes.

Q Okay. Go ahead.

A So I pulled the trigger, it just clicks that time. Without even looking, I just grab the top of my gun, the slide and I racked it, and I put my, still not looking just holding my hand up, I pulled the trigger again, it goes off. When I look

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back after that --

Q So how many times does it go off in the car?

A It went off twice in the car. Pull, click, click, went off, click, went off. So twice in the car.

Q Are you certain?

A Yes.

Q Okay.

A When I look up after that, I see him start to run and I see a cloud of dust behind him. I then get out of my car. As I'm getting out of the car I tell dispatch, "shots fired, send me more cars."

We start running, kind of the same direction that Johnson had pointed. Across the street like a diagonal towards this, kind of like where the parking lot came in for Copper Creek Court and Canfield, right at that intersection. And there is a light pole right there, I remember him running towards the light pole.

We pass two cars that were behind my police car while we were running. I think the second one was Pontiac Grand Am, a green one. I don't know if it was a two door or four door, I just remember seeing a Pontiac green Grand Am.

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When I passed the second one, about that same time he stopped running and he is at that light pole. So when he stopped, I stopped. And then he starts to turn around, I tell him to get on the ground, get on the ground.

He turns, and when he looked at me, he made like a grunting, like aggravated sound and he starts, he turns and he's coming back towards me. His first step is coming towards me, he kind of does like a stutter step to start running. When he does that, his left hand goes in a fist and goes to his side, his right one goes under his shirt in his waistband and he starts running at me.

Q You say under his shirt?

A Yes.

Q Was he wearing a shirt that was longer than his waistband?

A Yes, ma'am.

Q So he goes up under the shirt?

A Yes.

Q Okay. Go ahead.

A That was all done, like I said, the first step, his first stride coming back towards me.

As he is coming towards me, I tell, keep telling him to get on the ground, he doesn't.

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I shoot a series of shots. I don't know how many I shot, I just know I shot it.

I know I missed a couple, I don't know how many, but I know I hit him at least once because I saw his body kind of jerk or flenched.

I remember having tunnel vision on his right hand, that's all, I'm just focusing on that hand when I was shooting.

Well, after the last shot my tunnel vision kind of opened up. I remember seeing the smoke from the gun and I kind of looked at him and he's still coming at me, he hadn't slowed down.

At this point I start backpedaling and again, I tell him get on the ground, get on the ground, he doesn't. I shoot another round of shots. Again, I don't recall how many it was or if I hit him every time. I know at least once because he flinched again.

At this point it looked like he was almost bulking up to run through the shots, like it was making him mad that I'm shooting at him.

And the face that he had was looking straight through me, like I wasn't even there, I wasn't even anything in his way.

Well, he keeps coming at me after

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that again, during the pause I tell him to get on the ground, get on the ground, he still keeps coming at me, gets about 8 to 10 feet away. At this point I'm backing up pretty rapidly, I'm backpedaling pretty good because I know if he reaches me, he'll kill me.

And he had started to lean forward as he got that close, like he was going to just tackle me, just go right through me.

Q Can you demonstrate for us how he was leaning forward?

A His hand was in a fist at his side, this one is in his waistband under his shirt, and he was like this. Just coming straight at me like he was going to run right through me. And when he gets about that 8 to 10 feet away, I look down, I remember looking at my sites and firing, all I see is his head and that's what I shot.

I don't know how many, I know at least once because I saw the last one go into him. And then when it went into him, the demeanor on his face went blank, the aggression was gone, it was gone, I mean, I knew he stopped, the threat was stopped.

When he fell, he fell on his face.

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And I remember his feet coming up, like he had so much momentum carrying him forward that when he fell, his feet kind of came up a little bit and then they rested.

At that point I got back on the radio and said, "send me a supervisor and every car you got."

Q Okay. So when the shots were first fired in your car, you said you believe you fired two shots in the car?

A Yes, two actually went off in the car.

Q Two went off in the car. And at this point, the second shot, is that when he ran?

A After the second shot, yes.

Q After the second shot. Are you still in the car?

A When he starts to run?

Q Yes.

A Yes, ma'am.

Q Okay. Do you, at that time, do you say shots fired?

A As I'm exiting the car to chase him, yes.

Q Did you know that radio dispatch did not go out?

A No, I didn't find out until later while I

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was actually driving back to the station that my portable radio was on channel 3 and our main channel was channel 1.

Q So nobody heard you say shots fired to your knowledge?

A To my knowledge.

Q Okay.

A They did ask me why my radio for the car was laying on the floorboard, asked me if I used that. I don't remember using that radio. I, for some reason, remember using this one. It could have been sitting in my lap, there is also that chance that I used that one. I don't know which one that I used.

MS. ALIZADEH: I'm sorry, when you say your radio, you mean the mike --

A The mike, yes, ma'am.

MS. ALIZADEH: -- for the radio? The radio is attached to the dash, correct?

A Yes, it is in the center console. So the mike was probably in my lap at some point.

MS. ALIZADEH: The mike, okay.

Q (By Ms. Whirley) All right. So you're in the car, you fire two shots and he's running and you get out of the car to chase after him and tell us

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your rationale, what you are thinking now?

A When I'm chasing him?

Q Yes. You get out of the car and run after him.

A My main goal was to keep eyes on him and just to keep him contained until I had people coming there. I knew I had already called for backup and I knew they were already in the area for the stealing that was originally reported. So I thought if I can buy 30 seconds of time, that was my original goal when I tried to get him to come to the car. If I could buy 30 seconds of time, someone else will be here, we can make the arrest, nothing happens, we are all good. And it didn't happen that way.

So when he ran, you know, just stay with him, someone is going to be here, you know, we'll get him.

Q And when you, when the second shot was fired inside the car, did you think he was hit at all?

A No, I thought I missed.

Q Both shots. You didn't see any blood on him?

A The first shot, judging by his reaction, he went back, I thought it went through the door and

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hit him in the leg, in the hip, is what I thought.

Q Okay.

A The second one I saw the cloud of dust and him running, I knew I missed.

Q Okay. So you got out of the car, you are running, you are telling him to stop; is that right?

A Correct.

Q And he's not listening?

A No, not until he gets to that light pole and that's when he stopped.

Q To what now?

A He gets to that light pole at that intersection.

Q Are you firing at him while he's running?

A No, ma'am.

Q Is Dorian Johnson anywhere around?

A I never saw him after the very beginning. Once he walked past my car, I never saw him again.

Q Okay. All right. And at some point you say Michael Brown does turn around?

A Yes, ma'am.

Q Any idea what happened to make him turn around or he just all of the sudden turns around?

A No, just turns around. His whole reaction to the whole thing was something I've never seen.

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I've never seen that much aggression so quickly from a simple request to just walk on the sidewalk.

Q Okay. Because you never did talk to him about the Cigarillos or the stealing at the Ferguson Market?

A No, I never had the chance to.

Q All right. You said when he's coming back at you with his hand, right hand in his waistband and kind of charging, that's when you fired the last shots?

A Yes, ma'am.

Q And he went down?

A Yes, ma'am.

Q Did you think he was dead at that point?

A Yes, I did.

Q What did you do after that when he goes down?

A After that is when I got back on the radio and I said, "send me a supervisor and every car you have."

Seconds later, I don't know how many seconds later, is when Officer followed by Officer arrived. And I believe they were the ones that were assigned to the stealing call originally. walked up to me and said,

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Darren, what do you need.

MS. ALIZADEH: Said what?

A Darren, what do you need. I don't remember what my reply was and he said, did you call for an ambulance. I said I haven't, will you. I remember him calling twice, like he was about from me to you away on the radio calling.

And then I look across and was starting to tape off the area, but I notice that all of our cars are parked this way, Brown is laying here, there is nothing on this side. I told to move his car to this side to block that side of the street off. He did that and then he resumed taping.

After that I walked to my car and I put my gun up, I start walking away from the scene. As I'm walking away, I walk back to my car and I don't know if the door was open or shut, I think it was shut. I open the door, I reach in, I turn my car off, shut the door. At that time my sergeant pulled up and I walked over to him.

Q (By Ms. Whirley) This is Sergeant ?

A Yes, ma'am.

Q Okay.

A I don't remember what started the

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conversation, he said something first, but I said I have to tell you what happened. And he goes, what happened.

I said, I had to kill him.

He goes, you what?

I said, he grabbed my gun, I shot him, I killed him.

He goes, go sit in the car.

I said, I cannot sit in the car.

I remember him saying, Darren, sit in the car.

I said, Sarge, I can't be singled out. It is already getting hostile, I can't be singled out in the car. I will leave if you want me to leave.

He said, take my car and leave. So I got in his car and I drove to the police station.

Q In your mind him grabbing the gun is what made the difference where you felt you had to use a weapon to stop him?

A Yes. Once he was hitting me in the face, that enough, was in my mind to authorize the use of force.

Q Okay. So if he would not have grabbed your gun while he was hitting you in the face,

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everything was the same, but he would not have grabbed the gun, you still would have used deadly force?

A My gun was already being presented as a deadly force option while he was hitting me in the face.

Q Okay, all right. So then you go to the station?

A Yes.

Q And what happens, you go alone?

A Yes.

Q And before you leave for the station, there is a crowd developing, right?

A Correct.

Q And do you hear what the crowd is saying? I know you are in a pretty stressful situation, but do you understand or hearing anything that they're saying?

A I hear yelling, I hear screaming, as I'm walking back to my car, a white Ford truck pulled up and I remember her saying is that so and so? It was a female driver that got out. said, ma'am, we don't know. I heard her say, I think it is so and so, and then she screamed and that's all I heard.

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I could hear other noises and screaming, but I couldn't hear.

Q Okay. We're going to go with you to the station in just a minute, but I wanted to ask you about your relationship with the residents in the Canfield Green Apartments.

A Uh-huh.

Q Did you guys have a volatile, well, how can I put this. Did you not really get along well with the folks that lived in that apartment, not you personally, I mean the police in general?

A It is an antipolice area for sure.

Q And when you say antipolice, tell me more?

A There's a lot of gangs that reside or associate with that area. There's a lot of violence in that area, there's a lot of gun activity, drug activity, it is just not a very well-liked community. That community doesn't like the police.

Q Were you pretty much on high alert being in that community by yourself, especially when Michael Brown said, "fuck what you say," I think he said?

A Yes.

Q You were on pretty high alert at that point knowing the vicinity and the area that you're

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in?

A Yes, that's not an area where you can take anything really lightly. Like I said, it is a hostile environment. There are good people over there, there really are, but I mean there is an influx of gang activity in that area.

Q All right. So you're driving yourself back to Ferguson, what are you thinking on the drive back to Ferguson?

A I think I'm just kind of in shock of what just happened, I really didn't believe it because like I said, the whole thing started over will you just walk on the sidewalk and it developed into that in 45 seconds.

And that's the only other thing I remember thinking about is I heard the car radio going off and mine wasn't. That doesn't make sense. So I hit the scan button on mine thinking the scan button got messed up, I wasn't getting everything.

And I did that and it still, this one is going off and mine's not. So then I looked at it and I was on channel 3. I was like, I don't know what was heard or what wasn't heard.

Q And that's when you realized that you probably, nobody probably even heard your call for

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help?

A Right. I know they heard the initial one because before I put it in reverse I used the car radio, the car mike, which is always on Ferguson channel, it never changes, but I don't know when this one was changed, if they even heard anything.

Q When you first went out on your call to Canfield Green, you said, I'm going out Frank 21?

A Frank 21.

Q I'm going out with two, send me a car?

A I said, "Frank 21, I'm on Canfield with two, send me another car."

Q It wasn't a stressful situation at that point?

A No, it wasn't, but I just had that gut feeling that someone else needed to be there and knowing that this guy just stole from the market because I saw the Cigarillos and had the black shirt, I felt that in order to affect the arrest, it would be better to have.

Q You asked for this other car before any words were exchanged, correct?

A No, he had already told me, "fuck what you have to say."

Q Before you asked for the car, when you

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said I'm Frank 21, I'm at Canfield Green, send me a car. He had already said, "fuck what you have to say?"

A Yeah, he had already walked past by my car and said that.

Q Okay.

A That's when I saw the Cigarillos when he said that and he kept walking. Then I got on the radio and said, "send me another car."

Q You didn't tell the dispatcher that you were having a confrontation or that you had these guys who might be the suspects in the stealing?

A No.

Q You didn't say that to the dispatcher when you said send me a car?

A No, it was kind of said in a quicker way, just kind of hey, I want to get the information out, get a car started and once more develops, I can advise them of more.

Q But you never had a chance to do that?

A No, I didn't.

Q Okay. All right. So you drive back to Ferguson by yourself, you are at Ferguson, what do you do?

A I immediately go to the bathroom. On the

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way back I found that I had blood on the inside of my left hand and I already know I had it on the back of my right hand. And just from everything we have always been taught about blood, you don't want it on you, you don't touch it, you don't come in contact with it.

And my original thought was that it was the glass had cut my wrist and cut my hand, which is why this hand was bleeding. And so thinking that I was cut with someone else's blood on me, I had to wash my hands.

So I go directly to the bathroom. I actually washed them, went to the bathroom and then I looked, like I still had it like in my cuticles and stuff, so I washed my hands again. After I washed my hands, I go to our roll call room.

Q Let me ask you this, was there a lot of blood?

A From like my finger tips to about here was blood.

Q Like dripping blood?

A No, just on the back of my hand, it wasn't liked wraparound like I dipped my hand in blood, but there was like blood on the back of my hand.

Q One of the grand jurors asked earlier, you

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may know the answer to the question, was there blood left like in Sergeant s car after you got out of it?

A I don't know, I did call him and say, I don't know who is going to drive your car later, but I had blood on my hands. You might want to tell them to wipe down the steering wheel or just be cautious of it because I never went back and looked at the car.

Q I see. Okay, so go ahead, after you wash your hands?

A I then go down the hallway to the roll call room. Once in there, Officer was in there working on the computer.

Q Which officer,

A

Q Do you need that spelled? Spell that, please?

A .

Q And that's a officer?

A Yes.

Q And that's a friend of yours?

A Yeah, .

Q Okay. So there at the station?

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A Yes.

Q Okay. Go ahead.

A I come in, looks at me said, you know, what happened. And I said, I just had to shoot somebody.

And was kind of in shock and had had, the computer was working on in front of the one next to had, what we call the CADament screen, it just shows the status of all the cars where they're at. Well, on that one it is showing all the Ferguson cars out on Canfield.

goes, I was really hoping you weren't involved in that, you know, because any time every car is involved, you really don't know what is going to happen, who is going to get hurt.

Q What was doing, what was duty that day?

A was working for court, was doing paperwork, entering warrants for them.

Q So wasn't working the radio or dispatch or anything like that?

A No.

Q And didn't know what had happened?

A No.

Q just knew a lot of cars were going

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there?

A just saw the cars, didn't even know what the call was. I think they had it as a disturbance, so didn't even know what it was.

Q Okay.

A I go in there, I asked to go get me a pair of gloves. goes gets me a pair of gloves, comes back, put the gloves on. I grab an evidence envelope, take my gun out of the holster, make it safe. I lock the slide back, take the magazine out, take the one round that's left in it out. I put it all in that bag, seal it with evidence tape and then sign it.

Q And you handled your gun at that time with gloves on?

A Correct.

Q And why did you do that?

A To preserve any evidence on there, I knew his DNA was on that gun.

Q How did you know his DNA was on the gun?

A When I first took it out, without even looking at it, I knew that he had fingerprints on it and possibly even sweat from, it was warmer that day so, and he could have sweat on it. When I took it out, I also saw blood on it.

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Q You saw blood?
A Yes.
Q And that could have been from when you shot him?
A Yes.
Q Okay. Is it procedure for you to make your gun safe in a shooting like this or should someone else do that?
A I don't really know.
Q Because that never happened to you before?
A Correct.
Q And you never investigated this type of crime?
A No, I have not.
Q Not crime, but situation before?
A Correct.
Q Okay. All right. So you made, but you knew how to make the gun safe and put it in an evidence envelope based on your training and experience?
A Yes, I was just trying to preserve all the evidence I could on the weapon. And I knew if I put it in an evidence envelope and sealed it, that it would have no other contact with anybody and it could be as preserved as you could get.

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Q Okay. All right. And then what?

A I sat down and called for my attorney, who represents police for the union. He said he would be on his way.

Officer came in, he gave me the card for the application for the Fraternal Order of Police. I said, I already called them.

He said, would you like to tell me what happened so I can tell the media? I said, no, I don't want to talk right now.

Lieutenant came in, he's actually my lieutenant who was off that day. He came in and said, has anybody told you what's happening? I said, I don't really know anything that's going on there. I left the scene pretty much right after.

He said St. Louis County is investigating. I said okay, and then he left.

And then right after he left, Ferguson Fire Department and EMS from Christian Northeast Hospital showed up. They stayed about this far away, they didn't actually come in the room.

And they asked what happened?

I said, I was hit in the face

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multiple times.

They asked where?

I pointed this side, that side.

They asked if I lost consciousness?

I said, no.

My vision was blurry?

I said, no.

Asked if I needed to go to the hospital?

I said, no, not right now.

So is there anything else we can do for you?

I said, no, not right now, and then they left.

About 20 minutes later is when my attorney, showed up and we talked for about 10 or 15 minutes.

My assistant chief showed up, he came in and he made the determination that we should go to the hospital, he could see the swelling on my face.

So he drove, before we left, Detective from St. Louis County arrived, informed us he would be investigating the case and kind of gave us the rundown of what to expect. And

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then he agrees with going to the hospital.

So my assistant chief drove me and to the hospital and Detective followed.

Q Okay. And those photos that we looked at a minute ago were you at the hospital, correct?

A Yes, ma'am.

Q And then what happened after that?

A At the hospital we did the interview. And when I went to the hospital, I didn't wear my uniform shirt, I took that off and my vest off, left it at the station, left my duty belt at the station.

Q Did someone tell you to do that?

A Yeah, and I felt more comfortable too because I obviously can't wear my gun, and I don't want to be in uniform after all of this without it.

So I took the shirt off, just my undershirt, my pants, my boots, go to the hospital. While waiting to be treated in the waiting room, not in the waiting room, in the actual hospital room, Detective began his interview and then stopped as needed for nurses, whoever came in. They took x-rays, prescribed me a painkiller for the face injuries.

St. Louis County's evidence technician arrived, he photographed everything. I

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don't know who it is, but he came from whoever the department uses for drug tests, they gave me the drug tests. And then after that, I think he left and then the assistant chief drove me and back to the station.

He had already made a phone call, the assistant chief did to have Officer get a change of clothes for me, so they were going to take my clothes. They had blood on my left hip area.

So when I get back I change, St. Louis County took my pants, shirt, they already had my weapon, and then that was it, I went home for the day.

Q Okay. You have been on administrative leave since then?

A Correct.

Q Okay. In your, well, first of all, you have been a police officer for how long?

A Five years.

Q Five years. You started out with Jennings?

A Correct.

Q Why did you leave Jennings?

A Whenever Jennings was disbanded, I wasn't

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officered a position by St. Louis County.

Q Did you apply for a position?

A Yes, I did. I just wasn't one of the ones selected.

Q All right. So you went to Ferguson?

A Correct.

Q Those are the only two departments you have been?

A I actually worked for Pine Lawn for about eight hours.

Q Eight hours?

A Yes.

Q Okay. Did you leave voluntarily?

A Yes, I did.

Q After eight hours?

A Yes.

Q Any other incidents where you have been involved where you had to use excessive force?

A I've never used my weapon before.

Q Not excessive force, where you have had to use force to affect an arrest?

A I've used my asp before, I have used my flashlight before and I have used OC spray before.

Q Okay. And in those incidents though, no one was injured?

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A No.

Q Okay. All right.

MS. WHIRLEY: Anyone else have questions? I have a few more, but if you have something.

Yes,

: . I just, hopeful you don't take any offense, I just have a question. You worked for Pine Lawn for eight hours, Jennings, you worked for Ferguson?

A Correct.

Have you always worked in predominantly African-American neighborhoods?

A Yes, I have.

You have.

A Yes.

: No problem until this time?

A Correct.

: Okay.

: . I want to go back to when Sergeant arrived there. You told him that you had to kill him. Was that the extent of your conversation or did you tell him sort of like you are telling us play by play what happened?

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A No, it was very brief and he was more focused with the scene than he was, I guess, with me at the moment because like I said, the crowd, it was not a good area. He had made, I had made those comments to him and his reaction was go sit down.

. If you would go back to the contact in the car, after you had put it in reverse and reengaged to have a conversation, and Michael Brown reached into the car with his right hand and you said at a certain point that you looked in the mirror to see Dorian Johnson because that's how you recognized him with his black shirt?

A I did that before the car was placed in reverse.

Oh, before, okay.

A Yes.

: Go over that again with me, which mirror were you looking at?

A My driver's side mirror on the outside of the car.

: Okay.

A Whenever they walked me and I saw the Cigarillos. I'd already saw that Dorian Johnson had on a black shirt, but just to double-check myself to match up with what I heard Cigarillos had been

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stolen and a suspect wearing a black shirt, I looked to make sure the shirt was black.

: Okay.

A And then I called out for the assist car and then placed it in reverse and backed up to him.

: Thank you.

A You're welcome.

MS. ALIZADEH: Officer Wilson, I have a few questions.

Q (By Ms. Alizadeh) Prior to today, at any time after this incident have you seen any reports of any kind, medical examiner's reports, police reports, hospital reports, anything of that nature?

A The only report I've seen was the one released on the news about the initial stealing.

Q Okay. So that is the Ferguson report that was filed in relation to the theft of the Cigarillos?

A Correct.

Q And when you, the vehicle that you were in, I'm guessing that is not equipped with any cameras or mikes?

A No, it is not.

Q To record what was going on, correct?

A Correct.

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Q Any of the Ferguson officer's vehicles equipped with that type of equipment?

A No, ma'am.

Q You don't wear a body mike?

A No, ma'am.

Q Now, your duty holster that you've described or your duty belt has the holster attached to it, correct?

A Correct.

Q Is it the type of holster that there's a snap that goes over the gun that you have to unsnap before the gun is removed from the holster?

A No, it doesn't have the strap on the top, there is a button on the outside of it that you push as you are pulling up and it releases it.

Q Okay. And is that something that, I mean, as a police officer, you have to train at the firing range, is that fair to say?

A Yes, ma'am.

Q And is part of your training learning how to quickly get your gun out of your holster?

A Yes, ma'am.

Q When you called in and said you had two on Canfield or two out, I think you said?

A I said, "Frank 21, I'm on Canfield with

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two, send me another car."

Q With two. And why didn't you say anything about asking again, what was that description of the two involved in the larceny, did you ask for any other details to insure in your own mind that maybe these, you know, were these the guys?

A No, because my initial focus was just to get the information out that I was there. Have the other car respond and then get to that. My whole goal was to just stall until someone got there.

Q Well, you've made previous statements about that, this incident, and one being initially to Sergeant

A Uh-huh.

Q Would you say that was kind of a brief, not a lot of detail statement, would that be fair to say?

A The one on scene?

Q On scene.

A Yeah, it was very brief.

Q And then you talked to , Detective ?

A Correct.

Q At the hospital. And that was a little more detailed, would that be fair to say?

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A Yes.
Q You didn't say anything to about the Cigarillos, did you?
A Yes.
Q You believe you did?
A Yes, ma'am.
Q Did you tell that when you saw him with his left hand reaching back and he made the statement here, hold these or whatever, that you saw what was in his hand?
A I had saw the flash of them going back behind him.
Q So you didn't see at that point what was in his hand?
A I could see the red and white wrapper of a Cigarillo in his hand.
Q Okay. Just so I can be sure I'm understanding you, did you see that they were Cigarillos or did you assume they were Cigarillos?
A I assumed they were Cigarillos at that point. I saw that they were in his right hand before the contact was made.
Q But you didn't notice as his hand, his right hand comes in the vehicle, and initially contacts your face, you don't notice that he has

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these packages or package with red and white wrappers, you don't see them as he is hitting you?

A No, because I had shielded myself and I believe I even closed my eyes.

Q Did you ever grab ahold, you said that you grabbed ahold of his right hand at some point?

A It was like his forearm, it was this area. (indicating)

Q His right forearm?

A Yes, ma'am.

Q And what were you doing when you grabbed ahold of his right forearm?

A Trying to move him and somewhat control him so I could get out of the car.

Q Were you ever pulling him to try to pull him into the vehicle?

A No, I was trying to open my car door with my left hand and then hold onto him as I did so.

Q So you've got your left hand, or what's holding his right hand?

A My right hand.

Q You are like this? (indicating)

A Yes.

Q And you are like this trying to open your door? (indicating)

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A Yes.
Q And this is before you've gone for your gun?
A Yes.
Q The first shot you've described pretty, I guess, in detail. I think I understand the first shot. The second shot you said you kind of weren't looking, I guess?
A Uh-huh.
Q Where was your gun pointed?
A His general direction.
Q Was your gun above the level of the door frame?
A I would say, yes. It had come up, it was not on my leg any more and my leg sits only that far away from the top of the window. So I remember doing it like this, having my gun up.
Q And you said you saw a little puff of dust or dirt that you assume was where a projectile might have landed in the dirt; is that correct?
A Yes, ma'am.
Q So your gun wasn't pointed like up in the air, would that be fair to say?
A Not that I'm aware of, correct.
Q Was your gun, if you had rolled up your

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window, let's just say, was your gun totally inside the vehicle, partially out of the vehicle, or was your hand extended so that the gun was totally outside of your vehicle?

A I don't know for sure, but it was my right hand with it and I was like this. So I don't know where it could have gone.

Q And I was using my left hand, I guess, to demonstrate, you are right handed?

A Yes, ma'am.

Q And so you were across your body?

A Yes, ma'am.

Q And you said you had turned your face somewhat?

A Yes, ma'am.

Q And at that point Michael Brown is not right up on the vehicle, is that fair to say?

A No, this is when he is coming back at the vehicle. He is only about a foot away and then after the first shot hit him, he went down and kind of held his hip for a second and then he came back up and started to come back in the vehicle. And that's when I just went like this and I pulled the trigger.

Q Did you give him any kind of warning

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before that second shot?

A I don't recall.

Q (By Ms. Whirley) You said you knew the area and you felt threatened in that area because there is violence and guns and everything, and that Michael Brown was being confrontational before the first blow, correct?

A Yes.

Q Is there any reason why you didn't wait in the car until your backup came?

A I thought I would be able to just stall until someone got there. I thought if I can get out of the car, I could maintain the distance that I need to maintain, they were close. I figure all I needed was 20 or 30 seconds and someone is going to be there.

Q Right. So why wouldn't you stay in the car?

A Because I had already been, my comfort zone is not to be sitting in the car talking to someone else. I wanted to be out of the car, that way if I need to run I can run.

Q You can run?

A If I was out and he started like chasing me or went to hit me, I could move.

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Q You are in a car, you are more mobile in a car than you are on foot, right?

A Right. But I also didn't want him to run away, so I need to kind of stay where I can keep him there, keep myself safe and wait for someone to get there.

MS. WHIRLEY: Okay.

Q (By Ms. Alizadeh) Now, Officer Wilson, I'm not trying get in your head, I mean, I guess we all are trying to get in your head at some point to know what you were thinking at the time, but, I mean, your initial confrontation or your initial contact with them, I mean, you didn't see any of them with weapons, correct?

A No.

Q And they weren't subjects that you knew to be armed and dangerous?

A No.

Q And you stop and encounter pedestrians probably almost on a daily basis when you are on patrol, would that be fair to say?

A Yes.

Q And so did you at that point have any reason to anticipate that this, that Michael Brown, the Michael Brown subject was going to provoke or

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be, or assault you?

A No, not at that moment, no.

Q You described the first shot, was his right hand on the gun when the shot went off?

A I believe so.

Q And then the second shot, was his body in contact with you on the second shot?

A Probably not on the second one. I know when I first pulled the trigger it was, but it didn't shoot and then that's when I racked the gun and then shot again.

Q And you used both hands, you had to use both hands to rack the gun?

A Yes, ma'am.

Q Was he still trying to hit you when you went to rack the gun?

A I didn't look up.

Q Okay. So you said you did that without looking and then you just went like that?

A Yes.

Q Turned your face away and shot out the window?

A Yes.

Q In his general direction?

A Yes.

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Q And so you can't really say whether his hands were inside the car or outside the car at the time you actually fired the second time, the second shot?

A No, I can't tell you.

Q The blood on your pants, do you know how the blood got on your pants?

A No, I do not.

Q Do you recall, I mean, when you were done and you notice that you have, you said you had blood on your left palm?

A Uh-huh.

Q And on the back of your right hand?

A Uh-huh.

Q Did you wipe your palm on your pant leg because it is on your left pant leg, correct?

A Correct.

Q Did you wipe your hand on your pant leg to get the blood off your palm?

A Not that I remember. I didn't see the blood on my palm until I was driving back to the station.

Q Okay. So you don't recall if you wiped the blood on your pants?

A No, I don't know.

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Q And when you, at any time after you got back at the station, you went to the bathroom, was there a mirror in the bathroom?

A Yes.

Q Could you see any blood on your face?

A No, I don't remember seeing any on my face.

Q I would imagine that at some point in your training you have learned something about blood spatter and blood spray and so forth; is that right?

A It is kind of common knowledge, but no official training on how it works.

Q I know you are not an expert, but you know that can happen when you are in close range when someone is shot, correct?

A Yes.

Q That spray or spatter can get on you?

A Yes.

Q Did you ever see anything like that? Obviously, we have seized your clothing and what's on there is what's on there, but did you have any of that on your face or on your forearms or anything like that?

A I don't recall seeing it on my face. I remember looking, I don't remember washing my face.

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I would say no, it was not on my face. When I washed my hands, I did wash up like halfway up my forearm just to make sure nothing was on me. I seen it on my hands and I just started washing.

Q You didn't wash your face then prior to going to the hospital?

A No.

Q Did anyone that you recall ever swab your face?

A The outside of my face?

Q Yes.

A Not that I -- no.

Q Did anyone swab the back of your hands?

A No.

MS. ALIZADEH: I don't have anything else.

: When Michael Brown, I guess, I guess at the point where I want to say it was the second shot, I know this is kind of after the fact. You said he stepped back a little bit and then he came back in on you?

A That was after the first shot.

After the first shot?

A Yes.

Did you ever think about, I know you said your vehicle was running, did you

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ever just think about getting in that bad boy and drive?

A No, I didn't. My thought is, I was still dealing with a threat at my car. You know, we're trained not to run away from a threat, to deal with a threat and that is what I was doing. That never entered my mind to flee.

: Did you ever or do you recall grabbing Michael Brown by the throat?

A Never touched his throat.

: Shoulder?

A No. Only part of him I touched was his right forearm.

: . When Michael Brown was running from you, after the shots were fired within the car and they both just disappeared and you had Michael in focus, did you ever at any time fire with his back facing you?

A No, I did not.

: When you asked him to halt, and he turned around and he, you know, stopped running, at any point did you ever think that okay, maybe he don't have a gun, I need to stop shooting?

A When he was running towards me?

: Throughout the whole

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process. You're in the car and someone, you're struggling, tugging back and forth, did you ever think that he had a gun right then and there, he could have used it at any time?

A I wasn't thinking about that at that time. I was thinking about defending myself whenever he was hitting me in the car.

MS. ALIZADEH:

: . So kind of going go on that as well. So the comment that you made to your supervisor Sergeant when he got there at the scene was that he went for my gun, I had to shoot him. I think that kind of goes along with that. Because I think when I hear someone say he went for my gun, if I literally take that comment, I would assume that someone literally went to your holster and tried to pull it out. Either unholstering it or literally taking it from you.

And in this instance that was not the case. You had already unholstered and you were aiming at him. He essentially in his, your point of view and the point of view of who we can no longer obtain that, he deflected or pushed it towards you, but he did not at any point try to pull it from your holster is, I guess, my question?

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A He didn't pull it from my holster, but whenever it was visible to him, he then took complete control of it.

MS. ALIZADEH: I can't hear you, sorry.

A Whenever, he didn't pull it from my holster, but whenever it was displayed to him, he did take complete control. Because he had twisted it around so my hand was no longer this way, it was bent this way and it was dug into my hip. He had complete control of that weapon at that time.

Was your hand, I'm sorry, was your hand still on it and finger on the trigger?

A Yes, ma'am, or yes, sir.

: I wouldn't say he had complete control, I would say he had some control.

A He was controlling where it went, how it went there and his finger was in the process of going on the trigger with mine.

Okay.

A I could feel his fingertips on my trigger finger trying to get in the trigger guard.

Okay. When I just hear the word complete control, I think it is entirely in his possession and none of yours, that's the way I

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feel is complete control.

A Okay.

MS. ALIZADEH: Anyone else have any other questions?

: . What's the chain of command at the Ferguson Police Department from chief down?

A Chief down would be chief, the assistant chief and then we have for the patrol side, I believe, our captain's next, the assistant chief just started a week before this happened. I don't know what was really ironed out between them two. After the captain, it is a lieutenant, sergeant, patrolman.

: I keep hearing this name, Lieutenant ?

A

MS. ALIZADEH:

:

A He is the assistant chief, lieutenant colonel.

Okay, thank you.

A You're welcome.

: One more question, When you got back to the police

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department, after you washed off and everything, did you ever think at what time that I need to write a report while it is fresh on my mind?

A No. The protocol is whenever you are involved in a significant use of force, that you contact your FOP representative and then he will advise you of what to do step by step because they are the clear head in that situation. They have not been through a traumatic experience.

MS. ALIZADEH: And I guess to be fair about this, any time any law enforcement officer has asked to speak to you, you have willingly and voluntarily come in and been interviewed and answered all their questions, is that fair to say?

A Yes, ma'am.

MS. ALIZADEH: And you've never been back working at Ferguson Police Department since this happened, correct?

A No, I have not.

MS. ALIZADEH: Did you, I mean, for your own sake, did you like write down in a diary what happened, I mean, not a diary or I guess a grown man would call it a journal, but you know, have you ever like, did you afterwards, you know, write this out for your own, you know, therapeutic needs?

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A My statement has been written for my attorney.

MS. ALIZADEH: Okay. And that's between you and your attorney then?

A Correct.

MS. ALIZADEH: Okay.

A The department has not asked me for anything.

MS. ALIZADEH: So no one has asked you to write out a statement.

A No, they haven't.

MS. ALIZADEH: You didn't just on your own decide I want to write this down while it is all fresh in my mind, you didn't do that yourself?

A No.

MS. ALIZADEH: This happens in the matter of how many minutes or seconds by the time that you saw them walking down the street until Michael Brown is dead in the street?

A I would say less than one minute.

MS. ALIZADEH: Less than one minute?

A Uh-huh.

MS. ALIZADEH: Now, you know, I know you've probably thought about this every day since it's happened, would that be fair to say?

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A Yes.

MS. ALIZADEH: Replayed this in your mind over and over again?

A Yes.

MS. ALIZADEH: And do you think that after having really thought about this over time and basically you've had to tell this scenario a few times, do you think that if there are additional details that you may not give initially, do you think that's because you're just now remembering them because you are putting so much thought into what happened or do you think that is things that maybe you kind of imagined happened, but didn't really happen, you understand my question?

A Yeah, just from what I have been told about the incident originally, is that you are supposed to have 72 hours before you are actually officially interviewed, recorded statement and all of that. You tend to remember more through a couple sleep cycles then what you do as soon as it happens. It is a traumatic event, a lot of details kind of come as one detail. I mean, from what I understand, there hasn't been really anything significant that's changed.

MS. ALIZADEH: So you think that when you

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were testifying today you said you kind of thought, had a thought process. As this chaotic scene is unfolding, do you recall actually in your mind processing this in the way you've described or is it all just reactionary?

A No, I remember actually, I picture a use of force triangle in my head when this first happened and I was going through the progression of what I could do as far as the use of force continuum is concerned.

MS. ALIZADEH: That is something you learned in the police academy then?

A Yes, ma'am.

MS. ALIZADEH: And you recall actually thinking that as this assault is occurring?

A Yes.

MS. WHIRLEY: At what point did the use of triangle --

MS. ALIZADEH: Use of force triangle.

MS. WHIRLEY: Use of force triangle come into your head, what was going on when you start seeing the triangle?

A Whenever I first start considering the spray, the taser.

MS. WHIRLEY: What was going on though?

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A That was when I was being hit after the one to my face.

MS. WHIRLEY: So that was before you went for the weapon, or before you struggled over the weapon you started thinking about the use of force --

A Yes.

MS. WHIRLEY: -- triangle? At any point did Michael Brown raise his hands?

A No.

MS. WHIRLEY: No.

. Did you ever think while you were firing that you could have hit another innocent standbyer. (sic)

A When I originally fired the first time, when he turned around and I raised my weapon, I remember looking behind him and seeing nothing. I didn't see a car, I didn't see a person, there is nothing behind him. And after the first round of shots, I had tunnel vision on his hand. After that, when I refocused, I still don't remember ever seeing anybody behind him.

MS. WHIRLEY: .

Just a couple questions actually. The first one, we have heard a

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lot of scenarios and witnesses involved and their timelines and activity. Anyway, we have heard a little bit about what you did that morning when you were on duty. The day before, typical shift, were you off that day?

A On Friday?

: On August 8th?

A I don't remember anything significant. I did work that day, but I don't remember anything significant.

: You said you did not work that day?

A I did work that day.

: Like 6:30 a.m. to 6:30 p.m. shift?

A Yes.

Get a good night's sleep?

A From what I remember, yes.

: Okay. 6 to 8 hours?

A Yes.

: Felt rested, ready to go the next day. Just had to ask, curious. And then following the actual incident, you are back in your supervisor's car driving back to Ferguson Police Department. How far is that roughly from the crime

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scene, the police department?

A Mile and a half, 2 miles.

: So very short trip?

A Yeah.

And that was my thought too, but being in communication, I think, you know, in that situation, my first thought is to contact a loved one and say, I can't believe what just happened and that was my thought. If there was any sort of communication from that point moving forward on a personal cell phone or anything else?

A No.

: So none whatsoever until you saw the officer at the Ferguson Police Department?

A Yes.

: Thank you.

: . Last question.

MS. ALIZADEH: It just left your head.

: I have it. I'm trying to word it. Dorian, did you ever tell the police chief or any of the other officers that there was another person with him, did you ever try to look for Dorian?

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A No, I haven't talked to the chief or anybody at the department in length about what happened. I told my sergeant what happened at that time, that was the end of our conversations with anybody from the department.

. This kind of dovetails with her questions about Dorian. I understand that you did an interview August 28th with FBI agent; is that correct?

A Yes.

Okay. At which time, I hope I'm getting this correct, I believe that there was, did they present to you a photo lineup of suspects or whatever?

A The Department of Justice did not.

: The Department of Justice did not, what about the FBI?

A No.

: No one did at that time.

MS. ALIZADEH: I think you might be thinking of the officer, Detective

Was that whose evidence?

MS. ALIZADEH: I believe so.

Okay. That would have

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been on the date of, did they give you a photo lineup, Detective

A I think it was the 10th, I think is when I did the follow-up interview with , both detectives.

: , okay. And that would be right?

A Yes.

: Okay. And they gave you a photo lineup of, I think, eight characters or whatever?

A Yes.

Okay. And you were required or they asked you to pick out Dorian Johnson at that time?

A Yes.

Were you able to pick him out at that time?

A I selected who I believe was Dorian Johnson, they never confirmed if it was or not.

They never did, okay. You don't know the results of that?

A No, I do not.

Okay, thank you.

MS. ALIZADEH: Just to be clear, you're

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not in any way, are you?

A No, I'm not.

MS. ALIZADEH: Prior to this incident, had you ever had any contact with any of the county detectives that you've met throughout this investigation?

A No, I have not.

Q Any of the agents, FBI agents or federal agents involved in their investigation?

A No, I have not.

You felt like your life was in jeopardy when you were sitting in the vehicle?

A Yes.

You felt like when you exited the vehicle and the interaction with Michael Brown, he was advancing towards you, you felt like your life was in jeopardy?

A Yes.

: And use of deadly force was justified at that point in your opinion?

A Yes.

MS. ALIZADEH: Sheila?

MS. WHIRLEY: I was just going, if we are sort of done with your questioning, is there

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something that we have not asked you that you want us to know or you think it is important for the jurors to consider regarding this incident?

A One thing you guys haven't asked that has been asked of me in other interviews is, was he a threat, was Michael Brown a threat when he was running away. People asked why would you chase him if he was running away now.

I had already called for assistance. If someone arrives and sees him running, another officer and goes around the back half of the apartment complexes and tries to stop him, what would stop him from doing what he just did to me to him or worse, knowing he has already done it to one cop. And that was, he still posed a threat, not only to me, to anybody else that confronted him.

MS. WHIRLEY: Any questions?

: . Along those lines, you feel like as a police officer it is your obligation to follow that suspect?

A Yes, sir.

MS. ALIZADEH: All right. If that's it then.

(End of the testimony of and the testimony for September 26, 2014.)

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State of Missouri
SS.
County of St. Louis

I, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and

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complete transcript of the questions propounded to and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.

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COURT MEMO

State of Missouri vs. Darren Wilson

CERTIFICATE OF OFFICER AND
STATEMENT OF DEPOSITION CHARGES

DEPOSITION OF Grand Jury, Volume V

9/16/2014

Name and address of person or firm having custody of the original transcript:

St. Louis County Prosecuting Office
100 South Central, 2nd floor
Clayton, MO 63105

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Upon delivery of transcripts, the above charges had not been paid. It is anticipated that all charges will be paid in the normal course of business.

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IN WITNESS WHEREOF, I have hereunto set my hand and seal on this _____ day of _____

STATEMENT OF DEPOSITION CHARGES

Commission expires

_____

Notary Public

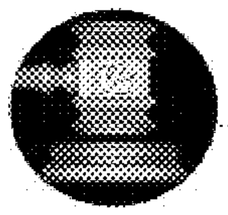
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Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume VI

Date: September 23, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 23, 2014

VOLUME VI

Electronically signed by bbb45b59-531e-4399-8414-64849f7ac803

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 23rd day of September, 2014, before .

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APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

Assistant Prosecuting Attorneys for St. Louis County

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

(314) 615-2600

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GRAND JURY HEARING

: On Officer Darren

Wilson's testimony he mentioned in the physical layout that Mr. Brown ran almost to a light pole before he turned around. Do we have a diagram with that light pole on it?

MS. ALIZADEH: I will have to look and see if it is included in the diagram. I'm sure there are pictures and videos that you will see, be able to see the light pole in those images and then if necessary, when we have a witness who is familiar with the scene, if need be, we could have them using our diagram, which has already been in evidence point out to you where the light pole exactly is.

: All right, very good.

MS. ALIZADEH: Good morning.

(All jurors say good morning.)

MS. ALIZADEH: This is Kathi Alizadeh with the prosecutor's office, present is Sheila Whirley with the prosecutor's office, all 12 grand jurors are present today, it is September 23rd, as well as the court reporter or the stenographer who is taking down what is being said. We are also recording, audio recording, that's happening in the grand jury right now.

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I wanted to make some preliminary remarks. Now is the, in the next couple of days and a few weeks, I suppose, we are going to be hearing testimony from some people say that they are eyewitnesses of parts of this incident. And many of them have already had, been interviewed, all of them have been interviewed by law enforcement at some point. And as far as I can think of, almost all of them have been recorded by law enforcement as far as their interviews.

As you know, we are recording, audio recording everything that's being said as well as taking down by court stenographer everything that is being said.

That is an extraordinary thing that in my experience, we've never done before. And, you know, the proceedings in the grand jury are historically, have been secret and people who appear before the grand jury are testifying in secret and it is usually not disclosed that they testified or what they said. But in the interest of the public's need to know that this investigation is thorough and fair, my boss, Robert McCulloch, has decided to do this extraordinary thing, which is to record everything. And if there is sometime down the road

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if there is ever an issue as to whether or not this investigation was thorough and fair, we will have those recordings to show exactly what was done.

But as you can imagine, there are witnesses who are very uncomfortable who have information and are willing to come forward, but do not want their names disclosed on the record or where they live or, you know, their birthdate, any identifying information about them and that's understandable given what, you know, has happened in our community in the past month about, you know, the public's reaction to the incident and the investigation into this.

And so because our goal is to get as much information as possible so that you can decide the facts in this case, we have decided that witnesses who do not want their name or identifying information about them to be on the record, we are not going to put that on the record.

What we are going to do is when that witness comes forward, he will be sworn, he or she will be sworn, and then the court reporter will not activate the audio recording initially. That witness will then identify themselves to you by their name and where they live, although I told them

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I'm not going to ask them for an address, mainly just south county, you know, I live in the Ferguson area, I live in north county, or what have you.

And then those witnesses will be referred to, once they've given that identifying information, then I will have the court reporter start the audio recording at that point. So their testimony will still be recorded and the court reporter will transcribe their testimony, but they will be referred to by myself and in the court reporters record by witness number.

Last night I made a list of every witness who has appeared before you so far and just for the sake of the record, we're just going to go chronologically with the live witnesses as they've testified.

So if you recall who was the investigator with the Medical Examiner's Office, he was witness number one. Number two was Detective

Number three was , although will have to come back because we had to cut him his testimony short, if you recall.

Number four was Dr. , the medical examiner. Number five, . Number six was Sergeant with the Ferguson Police

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Department. Number seven, Detective with the County Police Department. Number eight was Special Agent with the FBI and finally number nine, last week, was Darren Wilson, the Ferguson police officer.

So we will continue to call witnesses and give them a number so that if they do not want to be identified on the record we will refer to them as witness number 12, 15, you know, what have you.

Um, we are not going to do that for witnesses who have been on the media because those people have chosen to put themselves out there in the public eye, they've identified themselves by name, they're on TV, so those witnesses will, their names will be on the record. I'll ask them their name and, you know, where they live and in the general vicinity where they live.

The other issue is that because we are going to be playing recorded statements that these people have made, and many, in fact, most of these recorded statements, the statements begin with the witness giving their name, their date of birth, their social security number, their address and sometimes, you know their cell phone numbers.

And, again, I believe that probably in the

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case of every witness, that information probably should not be made public. I think it is okay for the witnesses who have been on the news for their names to be out there, but probably not their social security numbers and their exact address and cell phone numbers.

So for that reason, when we begin playing a recording of a witness' statement, I will have the court reporter turn off the audio recorder in here. The statements are, they're already on disc, they are marked as exhibits, so we have those statements.

I will make a record that I'm playing Grand Jury Exhibit, you know, so and so. I'm playing the statement of Witness Number 12, who off the record was identified by us as, you know, by name and so then we will stop the audio recording to play the audio interview that is on disc.

In most of these cases we also have transcripts of the recordings that we will pass out to you and then the court reporter will also have a transcript so he can, that will assist him in taking down what's being said, but he will also be instructed, you are instructed that at some point we're going to have to redact that information from the transcript. You and I can discuss that later,

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but you know, the whole purpose of this is so that we can, you know, keep people, people's private information private. And in the case of people who don't want to be identified for fear of reattribution, we need to keep them, I guess, unidentified, at least on the record.

Does anybody have any questions about that process is or how we are going to do that? We're going to kind of have to work out kinks as we go because I had a discussion at length with other people in my office last night about how we were going to go about doing this. So we're going to see how it goes, I guess.

: So, for instance, these witnesses who are being identified for us at least, does that mean if this were to go to trial that they would not appear, only this portion would then be presented in a trial or they may potentially be required to present themselves?

MS. ALIZADEH: If this matter were to go to trial, I mean, first of all, it is not something that you should all really worry about too much. Your job is not, I don't want you guys thinking about what is going to happen after you all make your decision. You can't be affected by that.

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But in the constitution, everybody who is in trial has the right to confront and cross-examine witnesses who give testimony against them. So, you know, the constitution will not allow us to put on, you know, unidentified witnesses.

I know you probably have all seen on television when there are proceedings televised, they will black out the witness' face, but that is just for television.

In a courtroom setting, that witness' face is not blurred, obviously. So you will understand that that's not something that you have to, I mean, that's not a part of your decision process.

Whatever happens after this, we will deal with it, whatever happens, but for now, this is how we are going to proceed.

: So when we get to the end of everything, all the proceedings, these audios that we are doing, they will be made public?

MS. ALIZADEH: That is a decision that we have to wait and see. My boss, Mr. McCulloch, has made a public statement about his intentions. Obviously, if this case, you know, that I can't say for sure. I know he has made public statements at

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some point this all will be released. But when, I cannot say and again, that's one of the reasons why you all are referring to yourselves by juror number. Your identities will never be disclosed. So that's how we are trying to handle this.

Does anybody else have any other questions about the process?

And, I hate to ask you, you normally don't ask questions. You understand what I was trying to explain about the process?

I will give you one later when you are actually doing your transcript.

Any other questions?

So our first witness of the day is not here yet, but we are going to go ahead and start playing discs that we have that are statements that he has made previously. But what you are going to hear, and I hope he's just running late, but the first witness of the day, our plans were to call , and he is not here.

So we're going to keep going. The first disc that you are going to hear is labeled as Grand Jury Exhibit 22.

(Grand Jury Exhibit Number 22 marked for identification.)

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MS. ALIZADEH: And it is a disc that contains video and audio of the media statements that has made in interviews and on the television.

MS. WHIRLEY: I have no idea how loud it is.

MS. ALIZADEH: Because is identified, we're not going to shut off the audio recording because these are media statements that he's already made.

(Playing the recorded statements.)

MS. WHIRLEY: You understand we didn't want his commentary.

(Playing the recorded statements.)

(End of the recording.)

MS. ALIZADEH: The next exhibit is Grand Jury Exhibit Number 17. You have already heard other statements that are contained on this disc. It is a CD that has a number of witness statements on it and I have a transcript that is going to be passed out to you all.

MS. ALIZADEH: Yes.

: What date was

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interview?

MS. WHIRLEY: ? Okay. We have her scheduled as a witness.

: I'm talking about her audio?

MS WHIRLEY: This is

We heard ,

when did they actually interview her?

MS. WHIRLEY: She's going to be a witness for us today.

MS. ALIZADEH: Are you asking when was her television interview?

: Yes, ma'am.

MS. ALIZADEH: I don't know, I will have to find that out for you.

MS. WHIRLEY: We will be playing your interview for her today too. We will get all of those questions answered.

MS. ALIZADEH: Has everybody got the transcript passed around yet?

And, again, if you will put your juror number on that in the corner and keep that with the materials and make notes on it if you feel you need to.

Just so you know, this is one of three

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statements that made to County Police. So this is referred to just on the disc as Interview Number 1, is that what it says?

MS. WHIRLEY: Yeah

MS. ALIZADEH: We will play Interview Number 1.

(Playing Interview Number 1.)

DETECTIVE Today's date is Saturday, August 9th, 2014. The time is approximately 4:40 p.m. My name is Detective , St. Louis County Police Department, . This interview is in reference to an officer involved shooting resulting in a fatality referenced under St. Louis County Police Report Number 14-43984.

The person being interviewed is date of birth, (redacted)

: Ahh, (redacted).

DETECTIVE Okay. (Redacted). , we spoke, um, prior to this recording about what you witnessed outside. Can you kinda of tell me in own words what you saw?

: Okay. I was in the bedroom, and I hear an altercation outside. I happens to look out the window and I see, um, the

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young guy was at the Ferguson police car on the passenger window. And I see something exchanged, some arms exchanged and that's when I call my fiancee for her to look out the window and, um, that's when I ran into the front outside, and that when, um, I see, actually, it was two guys.

Um, when, but the guy, he constantly, he just ran down in the middle of the street and the officer just gets out the car and shoots.

I thought it was six times. So, um, when he, when he hit, I guess when he hit the first and the second time, the guy, he kinda stopped and turned around facing the officer, uh, bent down a little bit curled up, and the officer let out, what, three, maybe four more shots to the guy and that's when he hit the ground and, um, and that was it and that was the whole thing.

And he actually had a friend, he, I don't know, I just seen him duck down, a car, um, they had a car door open, it was a white car, um, he hopped in, I guess those two cars left.

DETECTIVE Okay.

: But that's the whole scene right there, the officer still had his gun out telling everybody to back-back, the ones that was

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outside and that was that and you guys called too.

DETECTIVE : Okay, um, these, this other guy who was by the officer's car, can you describe him?

: Ahh, you know, the only thing that I could say that he may have, I definitely know that he was black, um, he had dreads.

DETECTIVE : Okay.

But I can't even describe what he had on because everything was happening so quick, cause something happens here almost every weekend.

DETECTIVE : Gotcha.

: So, um, yeah, that's it.

DETECTIVE : Okay. That will conclude the interview. The time is approximately 4:43 p.m.

MS. ALIZADEH: Okay. So I know I talked about not recording the audio statement because he did state his date of birth and address, we will have to deal with that and see if that can be somehow redacted. For this next statement he makes, I'm going to go ahead and let that be recorded because he doesn't make any other statements as to, you know, personal information. So I will, we'll go ahead and audio record the playing of

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's Interview Number 2, but we will stop the recording for 's Interview Number 3 because that does, in fact, disclose more identifying information, so.

Again, this is Grand Jury Exhibit Number 17, Number 2.

DETECTIVE : Today's date is Saturday August 9th, 2014. The time is approximately 4:45 p.m. This is Detective . This is a second interview with witness . Uh, you said you had approached me, or approached me and said you had something you wanted to add to your statement; is that correct?

: Yeah. Um, the only thing is um, when I was at the window, when I saw the altercation, the guy ran. I heard the shooting, that's when I saw the cop gets out of the car just when I was still --

DETECTIVE : Did you say you heard shots first?

: Yeah, I heard the shots first.

DETECTIVE : Okay.

: I was still at the window. That's when he got, got out of the car and I heard

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the shots. That's what drew me to outside so I could see what's going on.

DETECTIVE : Uh-huh.

: And, uh, I guess the guy did get hit cause he turned around back towards facing the cop, kinda walking back towards him slow, curled up and he let go three, four shots back at him.

DETECTIVE Okay. Say that for me, he turned around, he started what, curled over and started walking --

: Yeah, yeah, yeah, yeah.

DETECTIVE -- towards the officer?

: Well, yeah, like he was hit and he shot him three or four times and that's when he hit the ground.

DETECTIVE Okay. So when you're in the -- in the, just so I can clarify, when you're in your bedroom window, the officer's still in the car?

: No, no, he wasn't there, he hopped out then. He hopped out after when the guy ran from his window.

DETECTIVE Okay.

: So he ran from where the altercation was.

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DETECTIVE When did you hear the first two gunshots, you said you heard some gunshots?

I was, I was in the window.

DETECTIVE : And where was the officer at that point?

: That he was still in the car. That's when I saw the altercation, whatever was happening --

DETECTIVE In the car?

And the guys ran.

DETECTIVE Okay.

: And that's when he immediately hopped out the car and did his first two shots.

DETECTIVE : Okay.

: And that's when, okay, okay, I need to go outside.

DETECTIVE : Gotcha.

: That's when I went outside and obviously he got hit and he was curled up and he kinda like walking towards him, just a little bit and then he let go three or four more shots and that's when he hit the ground.

DETECTIVE : Okay.

: But I was at the window,

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that's when I did see the, as soon as he ran, he hops out of the car and again starts shooting.

DETECTIVE : Okay.

: That's it.

DETECTIVE : Okay. That'll conclude the interview. The time is 4:47 p.m.

(That is the end of Interview Number 2.)

MS. ALIZADEH: All right. The next statement we're going to hear is contained on another disc, Grand Juror Number 24.

(Grand Jury Exhibit Number 24 marked for identification.)

MS. ALIZADEH: Which is also a disc that contains numerous recorded statements. The way that my office has been getting these, the officers just put numerous statements on discs. Sometimes they give me discs that have statements on there that I have already had on another disc.

So don't, you might see other people's statements when we put this up, but this will be the third interview that the County Police did with and I will pass out transcripts for that. This is a longer interview.

And when we get ready to start the audio recording of the interview, if you could then pause

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the recording that's going on in here.

At this time prior to the playing of an audio recorded statement of , which is done on August 13th, 2014. The detective questioning him is Detective And at this time I will ask for to pause the recording of the grand jury.

(Recording is stopped at this time.)

MS. ALIZADEH: We're not recording, but you can take down what's said other than the fact that we would redact the identifying information from your transcript at some point.

So we are not recording, however, we are taking down the statement as it is being played. Sheila, go ahead.

(Third recorded statement of)

DETECTIVE : This is Detective with St. Louis County Police, uh, Bureau Crimes Against Persons, uh, . Uh, also present is Detective St. Louis County Police, uh, Department, Crime Bureau Against Persons.

Um, the date is 8/13/2014, it is a Wednesday. The time is 10:27 a.m. The interview is

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being conducted in the parking lot of DePaul Hospital.

Um, the interview is in regards to St. Louis County Report Number 14-43984, which is classified as a homicide.

Uh, the person being interviewed is , uh, black male, date of birth, (redacted). Social security number, (redacted). Who resides at (redacted).

Uh, he has a cell phone number of (redacted).

Um, , do you understand that this interview is being recorded?

Yes, I do.

DETECTIVE This is being recorded with your permission?

DETECTIVE Are you willing to continue with the interview?

Yes.

DETECTIVE Okay. All right. , um, I know that, uh, one of our detectives has spoken with you, uh, on Saturday, August 9th, uh, on the day of the incident, in -- in regard to what you saw. Um, and basically through, um, some information we received, we -- we -- we felt that

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there might be some more information that you might have.

So we came to reinterview you, and you mentioned to us briefly upstairs that you had a phone, uh, you had recorded a portion of this on your phone; is that correct?

: Correct.

DETECTIVE : Okay. And, um, the portion that you've recorded, uh, was directly after the shooting; is that correct?

: Correct.

DETECTIVE : Okay. So, um, that, this phone, this, um, Samsung phone is yours?

Yeah.

DETECTIVE : And you did the recording?

: Uh-huh.

DETECTIVE : And, um, that's you talking on the video there, correct?

MR. : Correct.

DETECTIVE : Okay. So, um, prior to recording, I had you, uh, sign a consent to search form, uh, St. Louis County's, uh, consent to search for your Samsung phone, uh, with video related to the Ferguson incident; is that correct?

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: Correct.
DETECTIVE : Okay. And you did that of your own free will?
Yes.
DETECTIVE Okay. And understand that all we are looking for on there is items related to the shooting itself?
Yes.
DETECTIVE Okay. So, um, like I said, since I didn't interview the first time and I have this new information about the phone, if you could just start from the beginning about where you were at in the apartment, um, what you heard or observed, um, and just kind of let, you know, retell us the story, okay?
: Okay.
DETECTIVE : If you want, you go ahead and hold this so --
: Okay. Well, um, Saturday morning, a little bit after 11:30, a friend of mine stops over, wakes me up. Um, I was outside with him for two or three minutes and he decides to leave. So I goes in the house, um, goes back into my bedroom. Like another two, three minutes later I hear an altercation outside. And I looks out the

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window and I see a guy, Michael Brown, at the driver window of the Ferguson police car.

I'm not sure what was exchanged, um, something was definitely going on in the window. So, um, but all of the sudden I see Michael Brown and his friend runs away from the Ferguson police car.

DETECTIVE : Let me stop you real quick. Um, while they were at the -- the door there, or while Michael was at the door.

: Yes.

DETECTIVE Um, what do you think, what did you see there?

I, I saw some, some arms going through the window. It might have been Michael Brown's arm, he might have been punching a police officer, or whatever. Something was going on through the window.

DETECTIVE : There's some kind of movement, exchange of --

: Yeah, some kind of movement, you know.

DETECTIVE Something going on there?

: Yeah, something was definitely

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going on.
DETECTIVE Okay. Where, at that time that Michael's at the window where is, uh, his buddy at?
: The -- the, his buddy was basically in the front of the car on the other side.
DETECTIVE : In the front of the police car?
Yeah, kind of, but away.
DETECTIVE : On the passenger side?
: No, no, no, just in the front. In the front like, you know, he ain't even --
DETECTIVE So with, using my window, Michael Brown is to my left?
Yes in the window and the other guy was in the front --
DETECTIVE : So you see him --
: -- probably like, away, kind of almost.
DETECTIVE How far?
: -- like, probably three, four, maybe five feet away from the car.
DETECTIVE : So he's five feet from the front quarter panel --

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Yeah.
DETECTIVE : -- of the police officer's vehicle?
: Yeah. But I'm --
DETECTIVE : So towards your apartment basically?
: Yeah.
DETECTIVE : Okay, all right.
So, um, so, like I said, the friend wasn't even, not close as much as Michael Brown was.
DETECTIVE Okay.
So, uh, like I said, all of the sudden they just immediately runs away from the car.
DETECTIVE They both did?
They both did.
DETECTIVE : Which direction did they go?
Uh, the -- Michael Brown just runs back straight.
DETECTIVE : Behind the correct?
: Yeah, behind the vehicle, running straight down the road as the friend, he just ducks behind the first car that was parked off

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to the side, which is like a two door Monte Carlo or something.

DETECTIVE : What color was that?

: It was white.

DETECTIVE : Okay.

: So, um, like I said, the moment they got started running, um, I just see the Ferguson cop just gets out the car and I hear the first four shots, I should say.

DETECTIVE : Okay. And -- and when you hear the first four shots, let me know where all three of these guy are at. Where is, where is his buddy, where is his buddy, first of all?

: His buddy, his buddy was, about the time he was behind, hiding behind, um, behind the trunk of the car, of the two door white Monte Carlo.

DETECTIVE : So, so that's where he's at?

: Yeah.

DETECTIVE Okay. Where's -- Like going around.

DETECTIVE : -- the police officer at?

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: The police officer like, just getting out of the car.

DETECTIVE : Okay.

: Like, just getting out the car and Michael Brown is already probably like 25 feet --

DETECTIVE : Down the road?

: -- down the road.

DETECTIVE : Okay.

So, um, like I said, he hops out the car, um, the first three, four shots that I noticed that was taken, I, that's when I yelled out to my fiancee, let's go outside cause this, um, somebody, uh, the officer is shooting at somebody.

DETECTIVE : Okay. Just hold on real quick. When those first four shots are being taken, where's the officer shooting from and which direction is Michael Brown facing?

Michael Brown is facing away from him.

DETECTIVE : So he's still running?

Yeah, he, uh, he still --

DETECTIVE : With his back to the officer?

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-- yeah, with his back to the officer.

DETECTIVE : Okay.

And the officer is basically, um -- um, when, like I say, when he's getting out of his car, he is basically walking towards the back as he's shooting.

DETECTIVE Okay. So --

And I see the friend, I'm still in the window.

DETECTIVE : Okay.

And I see his friend, uh, like I say, he's ducking for his life, for he runs behind the trunk of the car. But that car, that passenger door was open.

DETECTIVE Uh-huh.

: You know, so I see, you know, kind of hops in after, um ---

DETECTIVE Did he hop in the car?

I, obviously, he did. Um, obviously he did because, like I said, um, like the first four shots, the officer was taking big steps going past his car. When he got out of the car --

DETECTIVE : Uh-huh.

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: -- so that's why I noticed that he's not shooting for the other guy because he walked past the white car, shooting.

DETECTIVE : But did, but -- but did, did he, what I'm saying though, did you see him get inside the car?

: Yeah, he did.

DETECTIVE : He did get inside the car?

: He did, he did, but not like that, like as far as like, um, that was his car, like he just got out of it or something.

: No, no, but he had his buddy with the dreadlocks.

: Yeah, um --

DETECTIVE : He got into the car, the white Monte Carlo?

: Yeah, the white Monte Carlo cause the door was open or whatever cause uh --

DETECTIVE : Didn't it pull off?

: Um, I think it pulled off.

DETECTIVE : With him in it?

: After -- after when, um, uh, when a Ferguson, as a matter of fact, I think it's, it might have been on my phone cause I seen a white

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car on my phone, but I didn't --
DETECTIVE : Okay.
: -- I can't see if it's, um --
DETECTIVE : All right. So, but you saw this guy get into the car?
Yeah, I did see that.
DETECTIVE : Okay.
: Because the door was open and, I guess, after when he got done shooting, I guess whoever that was driving told him, let's go cause he's afraid for his life --
DETECTIVE Okay.
-- I'm sure of that, I'm sure of that.
DETECTIVE : Okay, all right. So you're positive he got in the car and he left in that car?
: Yeah.
DETECTIVE Okay, all right. So you're positive he got in the car and he left in that car?
: Yeah.
DETECTIVE : Okay, all right. Let's go back to the officer and Michael's running down.

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: Yes.
DETECTIVE : The officer has exited his vehicle?
Yeah, and --
DETECTIVE : He was, and so, um, you said Michael was like 25 feet down the road --
Yeah, already.
DETECTIVE : -- his back is to the officer --
And, um --
DETECTIVE : You are, uh --
I'm, I'm, I'm --
DETECTIVE You're still on the porch, right? Or on the balcony?
Yeah, when it, after when he did the first shot, that's when I'm, um, came outside. That's when I'm outside now, but when I came outside, he was already hit. But as far as in --
DETECTIVE : Okay. Is, so, I'm sorry, I -- I may be going too fast here, but, um, so when you hear the initial shot, you're upstairs.
: Yeah, in the bedroom.
DETECTIVE : Okay.
: First floor, or three.

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DETECTIVE Okay. So then, okay, so you heard a shot and then you went outside?

: And then I went outside.

DETECTIVE : And that's where you saw them kind of doing the --

: That's when the, no, no, um, when I saw the first four shots, that's when I yelled out, let's go outside. When I, when I --

DETECTIVE I'm sorry, hold on just one second. I need to back up just a little bit because had you heard a shot before you saw them tussling in the car?

: No, no, I heard an altercation.

DETECTIVE : Okay. You're, that's when you heard that brought you outside initially?

No, uh, what brought me outside was the gunshots.

DETECTIVE Okay. I'm sorry, I'm, I'm trying to be very clear on this --

All right, I gotcha.

DETECTIVE : -- is why, which is why I'm, I'm having, so the very first thing that drew your attention was what?

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: The altercation.
DETECTIVE : Okay.
: From hearing stuff.
DETECTIVE : Okay. So you heard them arguing?
: Yeah.
DETECTIVE Or some kind of --
: Yeah.
DETECTIVE : -- exchange of words.
: Yeah, yeah, yeah.
DETECTIVE : -- is what you hear? What is first thing that you see?
: Um, a guy at the window doing something, something.
DETECTIVE Okay. Had you heard any gunshots at that point?
: No, I didn't. No, I didn't.
DETECTIVE : Okay.
: But a lot of people saying that they heard a gunshot starting from the inside, but like I said --
DETECTIVE : But you didn't hear that?
: I, I didn't hear that. I

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mean, I might heard it if I was outside already.

DETECTIVE : Okay.

: But it probably --

DETECTIVE : I understand. What I'm trying to see --

: I gotcha.

DETECTIVE : -- what brought you outside.

: I gotcha, I gotcha.

DETECTIVE So, so let's skip forward to the part where, cause we know where he, we know where the friend was at. We know where he went.

: Yeah.

DETECTIVE : We know, um, so what I wanna take you back to is to the start the officer gets out of the vehicle.

: Uh-huh.

DETECTIVE : And starts to go towards the back, Michael is running down the road.

Yeah.

DETECTIVE : And what is going on there?

: Uh, like I said, by the time I got outside, so either --

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DETECTIVE : So --
: -- he must have hit from those first three or four shots.
DETECTIVE But that's what I want to talk to you about.
: Right.
DETECTIVE The -- the first four shots that you're talking about?
Uh-huh.
DETECTIVE : I want to be very clear on where --
Uh-huh.
DETECTIVE -- the officer was at.
Yeah, um, like I said, he -- he was, he was probably just passing the end of his truck.
DETECTIVE Oh, so by the rear bumper?
: Yeah.
DETECTIVE : Driver side quarter panel area?
Yeah.
DETECTIVE : Okay.
: Yeah.

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DETECTIVE : Okay. So he, uh -- you know, has he already fired or he starts firing then?

: Nah, he -- he been shot, he been fired, he had been fired like when he got --

DETECTIVE : So from the time --

: -- he been fired.

DETECTIVE : So --

: But like, so when he got out the car --

DETECTIVE : He start firing as soon as he got --

Yeah, cause --

DETECTIVE : -- out.

-- the, that's how I noticed that, um, uh, that he kept shooting, um, walking past the white car where his friend was.

DETECTIVE : Okay, okay. I just want to make sure that --

So the four or four shots --

DETECTIVE : So the -- the second he exited he started firing at Michael who was running away?

Yeah, so it was like pow, pow, pow, pow.

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DETECTIVE : Okay.
: -- like take time and he was also taking big steps stepping out the car, and like I said --
DETECTIVE : Okay.
: -- and I seen him shooting as he was walking.
DETECTIVE : Was he yelling anything?
: Uh, yeah, he -- he --
DETECTIVE I don't want you speculating.
: Yeah, yeah, I -- he --
DETECTIVE : Was, I mean, was he yelling anything at all? And, uh, even if you can't think --
: You know, I can't even remember -- I can't even remember that.
DETECTIVE : You don't know?
I can't say, yeah.
DETECTIVE Okay.
I can't even remember.
DETECTIVE : Okay.
: Uh-huh.
DETECTIVE : So, um, see as he's

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running and he's taken, taken his four shots, he is by the rear bumper.

Uh-huh.

DETECTIVE : What is Michael doing, how is he reacting?

Um, like I said, about the time I got outside after, when I told my fiancee let's go outside. From the first shots, I goes outside and that's when I notice that, obviously, he's been hit because now he's facing the cop.

DETECTIVE Okay. Now where are you at, though?

Now I'm outside.

DETECTIVE : All right. do you have a map or no? Okay. You know where the, you know how you're, you're here near this part, right? Are you in that horseshoe section?

: Yeah, exactly.

DETECTIVE : Okay. So your apartment's where.

: Be about probably like, directly in the middle.

DETECTIVE : Centered in there?

Yeah.

DETECTIVE : Okay.

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And this is the street, so --
DETECTIVE : And this is about, uh, see, see Michael was down here, right? And the officer's truck was about here or so, or further up?
: Yeah.
DETECTIVE : Show me.
: Let me see, it just about --
DETECTIVE Just like, end of each part of the drive.
: Right, right, um, it's kind of like, start over and if this is the street.
DETECTIVE : Right.
: And my window right --
DETECTIVE But you --
: -- here and, uh, his vehicle is probably right here. Uh, yeah, he is probably about right here.
DETECTIVE : That's where Mike's at?
: Yeah.
DETECTIVE : Okay. Now, show me where --
So --
DETECTIVE -- where that Monte Carlo was at?

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-- yeah, it was probably about right here. It was two cars actually, a white one and a purple one.

DETECTIVE : Okay.

So, um, after when I seen that --

DETECTIVE : Oh, here you go. That's the map of the area.

Oh, yeah, yeah, okay, yeah.

DETECTIVE : So --

Yeah, so yeah.

DETECTIVE : -- is this your building right here?

Um, it is probably, I don't know, the shape's kind of weird. Yeah, I think that is it.

DETECTIVE : Okay.

Okay. So, um, so my window right there then, um, yeah, so the car must have been --

DETECTIVE : Car right there?

-- right there and he must of, his body must have been about right there.

DETECTIVE : Okay.

So --

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DETECTIVE : So, all right, so --
: And, um --by.
DETECTIVE : -- by that time where are you standing watching this?
: Um --
DETECTIVE After the first four shots had been fired, where are you at?
: I'm outside --
DETECTIVE : Where?
: -- after the first four, on my, um, balcony, on my balcony.
DETECTIVE : You're on the balcony?
: Yeah. So, uh-
DETECTIVE And did you go downstairs though?
Uh, I didn't go downstairs, this is, this was after the tape is up and stuff.
DETECTIVE : Okay. So you never went downstairs?
: I never went downstairs until afterwards.
DETECTIVE Okay, okay. So you're outside now when, after he's fired these first four shots?

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: Yeah.
DETECTIVE Okay. Tell me what happens then?
: Um, when I steps outside, um, the guy, obviously, um, he's been hit, cause he curls up and I, but now he -- he's facing the Ferguson, the Ferguson officer and, um --
DETECTIVE So when you describe him curling up, show me?
: Um, he's uh, he's, like I said, like he's been hit in the stomach.
DETECTIVE : He's bent over?
: Yeah, kind of like --
DETECTIVE : At the waist?
: -- yeah, like he's about to fall and fall directly --
DETECTIVE Okay.
-- on the ground. And, um, but I see him takes like one or two steps, kind of like I said, towards him, you know --
DETECTIVE Now --
-- now I don't know if that was a help sign, just a little bit.
DETECTIVE Okay.
: Just a little bit.

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DETECTIVE : Well, tell me this. Uh-huh.

DETECTIVE : Everybody's describing his hands being up. You know what, that now, that's like because when, when, okay. From where my balcony is, it's another building right there. Um, he, where his blood spill at, where he got shot at, he ran past that.

DETECTIVE : Uh-huh.

: Before he, you know got that --

DETECTIVE : How'd he end up coming back?

: Yeah, that's why the, that's, I was just, uh, what I'm, what I'm saying, like I said, he must have got hit and he, he probably had his hands up when he got hit.

DETECTIVE : Oh, so you're saying that area --

: That's why everybody --

DETECTIVE -- that area's out --

-- keep saying that.

DETECTIVE : -- of view?

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Yeah, uh, quite uh, out of view, but he ran past the, uh, where he got shot at.

DETECTIVE : Oh, so you're saying that area --

That's why everybody --

DETECTIVE : -- that area's out --

: -- keep saying that.

DETECTIVE : Okay. So the, the part of the area where he got shot with those four?

Yeah, he -- he, yeah. Where he died at, he ran past that spot.

DETECTIVE And came back to that spot?

So obviously, I think when he got hit, that's when he probably raised his hands up, but he's then curled up --

DETECTIVE Yeah.

-- just walking, took a couple steps back towards him, he probably had one hand up, but he had his hands down here and the officer let out about four more shots and he hit the ground just like how he's laying.

DETECTIVE : So you see him bent over.

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Yeah, just like that.
DETECTIVE : What I'm saying though is after he's bent over there is another four shots.
Yeah, yeah, another four or three shots just like that. And everybody saying like he was already down and the officer let out a shot. I don't know, but I know what I saw, you know, before he hit the ground, he let out four more shots. I don't know, but I know what I saw. So --
DETECTIVE : Okay.
-- before he hit the ground, he let off four more shots.
DETECTIVE : Okay.
So I can't remember --
DETECTIVE And where he --
-- if he said freeze or, or, or said something before he let out the last ones, but I know when he --
DETECTIVE : Did you hear Michael say anything before those last four --
: No, I didn't, huh-uh.
DETECTIVE : Okay.
: No.
DETECTIVE : So, where he, where

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he was at in the street, is that where he fell? The -- the, like, nobody moved him?

: No, ain't nobody moved him or nothing.

DETECTIVE : Okay.

: Nothing so, uh --

DETECTIVE : Nobody touched his body?

Nobody touched him, uh, after, right after that, the officer just stood over it, like 5 feet away from him with his gun on his walkie-talkie thing.

DETECTIVE : Okay.

: And called the first two or whatever.

DETECTIVE : Okay.

: And that was it.

DETECTIVE : All right. Is there anything that I haven't asked you or that you feel you need to clarify?

: Uh, no, that's everything really. Everything that I saw.

DETECTIVE Okay.

Everything I saw.

DETECTIVE : All right. Um, it's

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uh, 10:43. We're going to go ahead and conclude the interview.

(This is the end of the interview Number 3.)

MS. ALIZADEH: Okay. We're recording now and we've just finished playing the third statement of that is contained on Grand Jury Exhibit 24.

So the final statement of , I shouldn't say final statement, but the fourth statement that we have is a recorded statement that was done by the FBI and I just received the disc of this last night, and so we do not have a transcript of this.

So I will ask the court reporter to stop the recording as we begin to play the audio recording of by the FBI because of the identifying information, but I will ask you, if you will as best you can take down the statement and at a later date there is a transcript being prepared of this, so I will get that to you as soon as I can get that, but I do not have a transcript to pass out to you, the grand jurors, okay.

So I'm going to give it to Sheila to put in the computer and at this time it is 9:50 a.m. If

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you can pause the recording and we will begin playing the fourth statement of .

So we are not recording, but the court reporter is taking down what's being said. Sheila is going to cue up the statement.

(This is the recorded statement of Number 4.)

All right. Today is September 17th, 2014, at approximately 1:06 p.m. We are here today at the FBI St. Louis Building, 2222 Market Street. This is Special Agent , with USA and the other trial attorney .

And we are here to interview , and if you could state your name?

All right. Now, , I just want to explain to you, I know that, I believe, St. Louis County have spoken with you already?

Yes.

: Okay. I will explain a little bit of a difference of our investigation here.

: Uh-huh.

: They're doing a homicide investigation, we are doing a civil rights

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violation.

: Okay.

: If this officer acted outside of his authority, okay?

Okay.

And so you're here as a witness voluntary. You, um, you are free if you don't, you can end it at any time, but you are here and you are okay?

: Yes.

: (Inaudible)

: Yes.

: Okay. And you are okay with us recording it?

Yes, ma'am.

Okay. So before we get into the specifics, can I get some basic info from you?

: Uh-huh.

: Do you have a middle name.

: Yes .

Okay. Like ?

: Yes.

Okay. And what's your date of birth?

(redacted)

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(redacted)
Yes.
: Social security number?
(redacted)
Can you give me your address?
: (redacted)
: Okay. And is there a good number if we need to contact you again?
: Yes. (redacted)
Before we get started, do you have any questions for any of us?
: No, not at the moment.
: Okay.
MS. So I just want to talk a little bit more about coming in.
: Uh-huh.
MS. I just wanted, um, just some preliminary things.
Uh-huh.
MS. We want to let you know that it is a crime to lie to the FBI federal agents.
MS. Okay. I don't necessarily think that you're going to, but we like to inform everyone of that.
: Uh-huh.

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MS. And like just said, if at any point during the interview you don't want to, you don't want to talk any more, feel free to leave. It is voluntary, I know you came through security and all, you can feel free to say I don't want to talk any more, okay? And you're shaking your head yes.

: Yes.

MS. It is an oral recording, so all your answers need to be out loud

: Yes.

MS. So which brings to my next point, if you start nodding or whatever.

: I gotcha.

MS. And it is totally fine if you nod, we will just try and correct you.

I gotcha.

MS. If we ask you a question and you answer, we're going to assume you understood the question. So if at any point one of us asked a question that says to you convoluted or confusing, let us know.

: Okay.

MS. : Our intent is not to confuse you.

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: Okay.
MS. : Our intent is not to get you to answer a certain way.
: Okay.
MS. : So if you think we are trying to get you to go in a certain direction we are not. Make sure that you answer, what we want is the truth. What we want to do is figure out what happened.
So, like I said, our intent is not to lead you in any one direction or the other.
All right.
MS. : If we state something, it is not the way you told us or we mischaracterize, then let us know.
Okay, all right, not a problem.
: Okay. If you want to take us through what you were doing on August 9th, 2014.
Um, I was at home. I actually just coming back from, um, going out to eat with my family.
Okay.
And um, come back home about 9:00 that morning. We all takes a nap. My fiancee

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wakes up and she tells me a friend is knocking at my door.

I wakes up, which is now 11:00. He comes and, um, I goes outside for a few minutes with him outside or whatever. And he, we went outside for not long, two, three, four or five minutes. So I happen to go back in, he leaves.

It is getting what, about 11:45 now, um, I was about to take a nap, and I hear an altercation outside.

So I looks outside and, um, I see like some kind of tussling going on in the window. Really not sure if, um, if Mike Brown was punching on him or if the officer was grabbing on him, but something was going on through the window, it just didn't look right. So I glued my eyes to it.

And all of the sudden, um, I see, I also see his friend, his friend. Um, he was, he was on the side of the car, he was on the front bumper on the passenger side, maybe 4, 5 feet away from him. And all of the sudden, like I said, they just takes off running.

And when they takes off running, I see his friend, he runs behind a two door white car. He's ducking down behind the trunk of the car looking at

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the officer because he just immediately gets out of his vehicle and just started shooting at Mike Brown. Because he runs down, straight down the middle of the road.

And, um, when his friend ran behind the trunk of the car, he was looking at the officer thinking that the officer might cut off and walk to him and shoot him, but obviously, he is just taking like, you know, large steps in a shooting position, shooting directly at Mike Brown, and he walked past his friend.

So at that moment right there, that just gave me enough time to run outside because like I said, I thought that he was going for his friend too, so I didn't want to miss that. So that was my time when he walked past that was my time to run outside.

By the time I gets to the door, I notice I forgot my phone in the bedroom. So I go back, grab my phone and then I goes back to the front door, which it didn't take long, just seconds.

So, um, but about the time I gets outside, I see Mike Brown, he's now facing the officer, kind of, he bent down like he was hit in the stomach. He had both arms wrapped around his stomach and he's

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bent down like he was going down.

So like I said, I thought he was already shot. And, um, before he was going down, the officer lets out four or five more shots. And when he hit the ground, you know, that's when I see blood roll over or whatever.

And, um, the next closest I seen the officer, when he hit the ground, the officer, he was at least about 4 or 5 feet away from his body now on his walkie-talkie, still have his gun all over him making his call in. And, um, and that's when my phone started recording maybe like two minutes right after when the first two officers come in.

: Okay.

: So that my phone cuts on and I started recording.

Do you have that with you?

Uh, yes, I do.

Okay. Um, is it out front.

: Yeah.

Okay. I'll go grab it real quick.

: Okay.

: What I want you to do for me, can you circle where your apartment, or kind of make

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an X where your apartment is. If this is West Florissant and here is Canfield.

Oh, okay. So that means, apartment building is this one right here.

: Okay. Where is --

: You know what, um, no, it actually be right here, this white one, this second one.

White one?

: Yeah.

: Okay. And where in that building is your apartment?

: The second floor.

: Second floor. Okay, go ahead. Just so it is the second floor. Okay. So I want to go over this in a little bit of detail with you.

Okay.

So -- oh, thank you. This is your cell phone.

: Okay.

: You said you were in your bedroom, correct?

: Yes.

: About to take a nap?

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: Uh-huh.

And you hear a altercation, what did you hear?

: Um, just some kind of ruffling going on, I'm not even sure like what words exactly, but it is kind of ruffling, you know.

: Okay. And when you said you looked out the window and saw it, where was the car?

The vehicle was over here, the vehicle was --

You want to draw like a vehicle?

: Let me see, there was something right here. His vehicle was in the middle of the street sideways.

: Sideways.

: Diagonal.

Diagonal. And where was the front of the car?

: Uh, what, the police vehicle?

: Uh-huh, yeah.

That's -- the front of the vehicle was like facing, like facing my apartment.

Okay.

Diagonal like.

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: Okay.
: Like he was coming from this way basically.
Okay. So, let me see. So it was facing, let's see, let's go like that, is that fair?
Yeah.
Okay. So facing this way. Could you see in the front, you said you couldn't tell whether or not he was punching him or whether the officer --
: Right, through the window.
So could you see them?
: Yeah, I could see them.
So your view was not obstructed --
: Yeah, I could see them clearly.
: Did you know it was an officer when you saw it or you just saw two people?
: No, I knew it was an officer.
: Okay.
: You know, still inside of his vehicle and somebody outside the vehicle doing some kind of tussling.

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: Okay. And then you saw his friend who we know, did you know either Mike Brown --

No, no, but I know I seen Mike Brown, uh, in the neighborhood.

All right.

So, I don't know him.

Okay.

MR. : Where did you see him?

: Just walking with like another little group of people, whatever, just up and down the street over there or something.

MR. : Did you ever have occasion to talk to him?

: Huh-uh, no, I just, I remember faces, so.

MS. Do you know the other people he would be walking in the group with?

: Huh-uh, no.

Do you remember him because now of all the press or also because of his size, his height?

Do I remember his size?

Right. Did you take particular notice of him or?

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: No, just like his clothes and, um, that he was kind of like a buffer guy, because I know I'm slim.

: Uh-huh.

: So, um, I just knew he was kind of a little bit buffer, you know.

Okay.

: Kind of a little chubby like, so.

Okay. So you see tussling and at this point when you see the two, whether, some -- some sort of altercation.

Uh-huh.

At what point do you notice his friend, Dorian?

: Um, his friend Dorian, he was clear, I could see him too. Like I said, he was in front of the passenger side vehicle, not too close, like 4 feet away or whatever.

Uh-huh.

So, yeah, at that time that's when I looked out the window and see that going on.

: Okay.

: While his friend was still in the front and was down by the window.

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Did you hear anything? You said you heard tussling.

Yeah, just tussling, you know, not even a certain word, not even a certain word.

Okay.

MR. : Did you hear voices?

: Yeah.

MR. : One voice or two?

: Um, maybe two. Like I said, I just, just like some real tussling though. Even thought I was hearing lots of noises, maybe like hitting the door, you know. Something that just got my attention, but not certain words.

: How much, you said you saw them.

: Uh-huh.

Did you see who necessarily was the initiator? Could you see where their bodies were positioned?

: Um, was positioned? Um, let me see, uh, his friend, he was facing the officer's vehicle.

Okay.

Where he was standing. Like I said, Mike Brown was definitely standing on the

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driver's side window.

Okay.

: You know, facing the officer.

Okay. And you're saying they were -- as far as him and the officer.

Uh-huh.

You said they are tussling, how close, could you see how close in contact they were?

Um, there was definitely close enough. Um, there was definitely close enough so, I just figured that Mike Brown, he could, I don't think that he was to like real up on the passenger door, it was just a little bit of space and I could just see something going on roughly through the window.

MS. : And just because the recording, you are kind of making like a fist punching back and forth motions; is that right?

Uh-huh.

MS. : Yes? You say uh-huh.

Yeah, yeah, yeah, I mean, just yeah.

MS. : Okay. So what I'm going to ask you, you know, uh, the cell phone video that you

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gave to St. Louis County, is that the same cell phone video that you referred to before that is on your phone?

: Yeah, um, the one I have when he walked off and came back into the picture, the same one, yes.

MS. : So in that video, the very first thing that you say, you are kind of, you remember you are talking while you are videoing?

: Uh-huh.

MS. : Okay. So one of the very first things that you say, that you said that the guy, the black guy just ran, ran up to the car and was punching on it.

Yeah.

MS. : You said, the dude ran on the side, um, you talking about the other one ran to the Monte Carlo, then he went back to the first guy. You said, the dude was all up in his car, you said up in his shit punching on him.

Yeah, that's what I assume because, um, younger people like that, I think that, you know, that don't want to go to jail, you know, just being young. So, you know, I assume a person like that will be punching an officer to get away or

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something like that.
MS. Okay.
: So I automatically assume that was going on.
MS. And that's fine, I just want to get to what you observed.
: Yeah.
MS. : So you saw this punching motion like you just made; is that correct?
: Yeah, but I mean, that's not exactly what I saw, that is just, you know because I just seen arms, you know, going through the windows.
MS. Okay.
: The officer maybe had his arm.
MS. : You said the officer maybe, right?
The officer maybe, yeah, yeah, it's a big maybe.
MS. Okay. So we are 100% right, when you-- you're letting us know when you're assuming versus what you saw, and that's exactly what we want you to do. But I'm going to try just to get a little detail. If you don't know something or don't remember, that's perfectly acceptable.
Okay.

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MS. : I don't want you to think that, you know, I'm trying to get you to say something you don't know. But I'm just trying to because I wasn't there to understand what you saw. So when you first give your interview to St. Louis County you said you saw arms exchanged. What do you mean by that?

Um, um, I saw the officer's arms moving also and I saw Mike Brown's arms moving also.

MS. : Okay. You saw Mike Brown's arms go through the window.

Yeah, obviously, it was.

MS. : Okay. I know you said obviously, I want to ask to make sure I understand, okay. Did you actually when you use the expression, you saw the dude was all up in his car and up in his shit, did Mike Brown, did you see Mike Brown actually approach the car?

No, that's, that's the part that I just missed.

MS. Okay.

: So.

MS. : So by the time you saw, you saw Mike Brown at the driver's side of the car with his arms through the window; is that correct?

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Yeah.
MS. : Okay.
MR. : You just then, you also, you've done the kind of moving your arms the way you saw Mike Brown do.
: Uh-huh.
MR. : You also saw a police officer when you are talking about some arms exchanged, you saw the police officer's arms?
: Yeah, it just kind of looked like, it just kind of looked like, like I said, if he's, an officer is in the car, I could just see his arms.
MR. : You have your arm bent to kind of a 90 degree angle in front of you?
Yeah. So, yeah, if the window is right here, so I mean, that's, you know, that-- that's what I seen and I could see Mike Brown. You know, it just, you know, he could be doing anything, I'm not even saying punching. Just something through the window right there.
MR. : Just so I'm clear for the tape, did you have, you are talking about the police officer's arms, he is kind of turning and has his arm in front of him in kind of a --

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: Like this moving.
MR. : Okay. Is that fair the way you describe?
Yeah, yeah.
MR. : Okay. And you have, when you are describing Mike Brown's, you have his arms going back and forth coming --
Yeah, just back and forth, just back and forth, tussling.
I want to impress upon you something.
Uh-huh.
: That we have observed and it is throughout the investigation because I feel like you might be a little bit cautious in your, careful with your words in the sense of, we are aware on, the pressure that exist. Are you still living in Canfield?
: Yes.
So, and I'm sure this is still a big deal. This is going to be a big deal for a very, very long time.
Yes, it is, definitely.
And you have been on the news, right?

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: Uh-huh.

And you have people come up to you and talk to you about that, people up in the community?

Yeah, they, yeah, they seen me, they say they seen me and stuff like that.

Okay. I also want you to understand you talking to us today, we don't go tell people we talk to you. It is completely confidential.

Uh-huh.

We take every precaution to protect your information. So this is not going to be out in the community, this is not going to be told, they're not go to say you snitched or you didn't fight for Mike Brown enough.

We need 100 percent honesty and clarity, and we are not going to say, we are not on one side of the other, you know, this isn't for -- for the search for the truth, okay?

: Right.

So I want you to be confident that you can trust us and trust us to say that we're not going to make, we are not going to skew your testimony, okay?

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: Okay.
: This is it, okay?
: Okay.
This is what it is.
: I understand. Just so you guys know, I am very, very, nervous about everything since, since that day to now.
Okay.
Just to let you guys know.
And that's completely normal to be nervous, nervous to talk to us, nervous in general. Is there anything in particular that you are nervous about more so than others?
Um, I'm, um, I have been, I've just been just kind of scared, just kind of scared. Especially, you know, with the interviews. I stopped doing the interviews, I stopped after I did one with --
MS. Okay.
: -- on a Friday. After that I felt sick, I started worrying.
MR. : Why is that?
: I don't know, I just started something, like something may happen, you know. I started thinking about, wait a minute, I done did

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quite a few interviews and I don't have a lawyer and why do everybody else have lawyers when they put out the very first interview, you know.

I Googled my name and I seen a lot of stuff and I came across something, uh, that somebody put, I seen my picture, and it said like snitches get stitches, and then under it says something about people keep talking, they are going to get , you know, we are going to do something to you.

MR. : What's that.

: I don't know. It's spelled

You know, I'm not even sure what that is, but I've just been nervous and scared, and I have been letting everybody know about my time in and where I'm going and stuff like that.

So, uh, but like I said, until this day, but it has been like two weeks, two, three weeks now, you know, no reporters at my house or nothing, no calls. You know, I'm kind of, I'm still in my regular day and going to work every day, taking care of my family and stuff, doing the same thing every day. I don't go nowhere, but I come home, you know, so.

But I'm keeping it cool, but the ones like at work, I -- I tell them because I don't show it

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neither. Like when I be at work, I have a smile on my face all the time, you know, I don't show it until they, I seen you on TV and want to talk about it and stuff like that. And I tell them how I feel, you know. So I'm just staying cool though, you know.

Okay.

: But very nervous.

This is the first time you are talking to us and we can treat that as a first time.

Uh-huh.

You are a, you are now a federal witness so, and with that comes certain intentions. So we want to make sure you are comfortable.

So, I mean, we would like to offer you water, you are more than entitled to, if you want to get up and take and walk around and if that makes you feel more comfortable, but.

: I'm fine right now.

MS. : Yeah, and we want you to know, if at any point someone does intimidates you or let me be specific, to intimidates you or scares you or you feel somehow more nervous than general

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nervousness, you certainly should, um, call , I know you have her number here at the FBI. Because witness information is something apart from everything else. It could be a crime.

So we are trying to be specific, okay, not some -- (inaudible)

: Okay.

MS. General nervousness is normal, especially like in (inaudible). If there is anything in particular that makes you nervous at all, we want to know that. So is there anything in particular or just a general feeling from Goggling yourself?

A Um, that, um, one moment, um, at the time when the audio came out about the shooting, let me see, like a week and a half earlier before that I stopped doing interviews, I didn't receive no calls, I was fine. I could go home and enjoy.

So when that came out, I started getting calls again, they was at my house while I was at work trying to come up to my job.

MR. : And who were they that you are referring to?

The reporters, news reporter.

MR. : Uh-huh.

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: And um, let's see, maybe the same day I knew it was on the tube that when it aired on the news and stuff like that, it was on a Tuesday or a Wednesday. I had to go pick up my fiancee about 9:30 that night to leave out of my house to go pick her up. I know that day I received a call from a reporter at six something. And another call at seven or eight something and then I got a text like just before 9:00.

I had to put up my little son's car seat in the car. So I went outside to go and do that and as soon as, right when I gets to my car, a lady just runs up, it is dark now. And at this time I notice there is not a lot people out, I know that for sure, but she just runs up, just runs up, hey,

can you do another interview, you know, but she was nice. She just ran up, you know, like it was, I was already scared at that point.

But I just, I looks at a lot of movies and stuff and it just gets me thinking like, like if anybody was trying to at that time, you know, that was a good opportunity at that time.

You know, I think of stuff like that.

MS. : Are you worried about your physical safety, is that what you are trying to say?

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: I don't know.
MS. : If you are, that's fine. I really don't know, I really don't know.
MS. : Okay. Let's get back to, um some more details that you can tell us.
: Okay, okay.
: I want to make it very clear to you though, we aren't going to talk. We aren't going to say we spoke with , I'm sorry, . The only thing are people that actually go to the news. So we have a whole list of people that no one knows about because we don't tell them. So we want you to feel confident that you speak with someone today, that it stays with us. Does that make sense?
Yeah.
: Okay.
MS. : What you hear on the news from a federal agent or the FBI, it didn't come from us. So if that happens, or you hear rumors, call us and find out because it may just be rumors. We are not going to go to the news ever, all right?
: Okay.
MS. : So if you start hearing rumors,

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and you start thinking something's up, call and find out because I'm telling you right now we're not going to go to the news.

: Okay, all right.

MS. Okay. So we were talking about this, um, the arms exchange. You are watching this from your window; is that right?

: Yes.

MS. : Do you have blinds on your window?

: Yeah.

MS. : Were you watching through the blinds?

: I had the blinds bent a little bit.

MR. : Okay.

MS. : So they horizontal or vertical blinds. Like that?

: Yeah, the straight ones that close.

MS. : Okay. So you had the vertical blinds. Did you have to move your hand to watch it?

: Yeah, I had to bend down.

MS. : Gotcha, okay. So while you are watching this, at some point do you yell out to

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--

: Uh-huh.

MS. : Do you yell out to at some point.

: Yeah, I yell out to her, I think it was just about the time that I notice that the officer went past Michael Brown's friend.

MS. Okay. So let's back up. So the friend that you're watching, as soon as these arms are exchanged back and forth out the car.

Uh-huh.

MS. : Um, what happens, did you observe that end of the tussle?

They just takes off running.

MS. Okay.

: They just takes off running.

MS. : They, being the, the two boys?

: Yeah, two boys yeah, they just takes off running at the same time.

MS. : Do you know now their names?

: Um, Mike Brown and uh --

MS. : If you don't know his name, that's fine. How would you describe him?

: I know he had dreads.

MS. : Okay. So it is Mike Brown and

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the guy with the dreads?

: Yeah.

MS. : Okay. So at this point, um, you said you see Mike Brown and the guy with the dreads take off through there?

Uh, yeah, um, like I said, I'm on different sides though. Mike Brown is on the driver's side of the car, so he takes off behind the vehicle directly in the middle of the road.

MS. : Okay.

And his friend, there was a parked vehicle, and maybe a little bit behind the police cruiser.

When you point to it, will that help you a little bit?

The vehicle was leaving right there.

Okay.

: It was actually two buildings.

Okay.

Two buildings. I would say his friend was in the front and he runs, like I said, to the very first one to the trunk of it because the officer gets out of the car and started shooting and his shooting stance and taking large

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steps. I don't remember seeing him running.

I'm sorry I cut you off. So you see this guy with the dreads, where does he actually go.

He runs, yeah, he runs behind the trunk of the white car, the first one.

MS. And when he's at the car, what does he do?

: He looked at the officer to make sure the officer's not coming to him. Because like each shot that went off, he was like, you know, ducking each time.

You saw him ducking. So you're saying that what (inaudible), so can I say you are assuming what he's doing?

A Yeah, I mean, yeah, that is what he was doing, that is what he was doing.

MS. He was ducking, right?

: Yeah.

MS. : And he's now behind the trunk of the car; is that correct?

: Yes, uh-huh.

MS. And you're able to watch him do that?

: Yeah, I clearly saw him. He's

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ducked down looking at the officer is like each shot that went off, he was like bam and going around the building to the passenger side. And then I notice that the door was opened, I don't know how wide the door was open, but each shot that went off, he was kind of like bam, going over to the side watching him but then I said that I noticed he went past him.

MS. Let me ask you. When you were watching the guy with the dreads behind the vehicle (inaudible) as he is going to the passenger side, did you then leave from your view as he's going to passenger side?

: No, no, no, I could see him clear, he didn't hop in until, like he didn't hop into the vehicle until, uh, I think that he noticed that his friend now did hit the ground.

MS. : Did you actually see him hop in the vehicle.

No, I really didn't because, um, I more, when he past, I more started focusing on the guy that he was shooting at now.

MS. : Okay. So let's back up.

: Uh-huh.

MS. So the two guys start running?

Right.

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MS. : They're at a different point, they're at different areas of the street, right?

: Yes.

MS. : Okay. Your intention is initially on who?

It is on both of them, it's -- it's on both of them.

MS. : Okay.

So, um, like I said, when -- I didn't want to leave out that window, I just seen an officer shooting, and that gets me like, hum. I'm just thinking that he was going for his friend also.

MS. : And you're assuming that?

Yeah, I was assuming that, but I kept my eyes on both of them. I see one running straight down the middle, this one is going for the very first car that he sees.

MS. : So you see Michael run down the street and you see the guy with the dreads run down to the car?

Yeah, the guy with the dreads, he was the main focus as I'm still noticing that the officer is shooting straight, but I'm looking at him is because I'm thinking that the officer, like, uh, (inaudible) there is a pause, cause there is like a

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pause by the time he went past this time. So there is a pause right there during his shooting when, like I said, I was thinking that he was going to go to his friend and shoot him. That's why I was main focusing on him at that point.

MS. : So at that point when Mike Brown starts running, your main focus is on the guy with the dreads?

: Yeah.

MS. : And when you see the officer get out of the car, you're assuming that he's going after the guy with the dreads?

: No, no, no, no, I knew he was going for Mike Brown, but I kept my eyes on all of them.

MS. : Okay.

: Mainly that I see the guy with the dreads looking at the officer and the officer, he -- he goes past him. I'm -- I'm sure that the officer see him where he ran to.

MS. You are sure of that why?

Because when he gets out of the car, the guy with the dreads, he was already in front of his vehicle, he runs to the trunk of the first car that he's seeing. He is looking over the

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trunk, ducked down, I'm sure that he saw him.

MS. : Okay.

I'm sure of that because --

MR. : Now, that's important, okay. That's a good example, I mean, obviously you can't be sure of what someone else saw, right?

Okay, okay, right.

MR. That's just an example, just be sure that we are talking about what you actually laid eyes on and what you saw, okay?

: Okay, okay.

MS. So you actually saw the guy (inaudible) the police officer?

: Uh-huh.

MS. Is that right?

: Yes.

MS. : Did you see the police officer look over at the guy with the dreads?

: Um -- no.

MS. : Okay. And so now you have, um, how soon after if you saw, how soon after when the boys start running did the police officer run immediately over or get out of the car?

: No, he gets out of the car immediately.

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MS. Okay.
Immediately. Cause as soon as he breaks off just about when, like I said, Mike Brown gets past his vehicle and to the back of it, and he gets out immediately and starts shooting.
MS. So the police officer gets out and Mike Brown goes past his vehicle.
: Yeah, just -- just about time, um, and a little bit before that.
MS. : Okay. And then you said the police officer, did he have his gun out?
Yes.
MS. How did he have his gun pointed?
: Directly like in shooting position.
MS. : Okay. And you had your eye on that and you're watching?
Yeah --
MS. And the guy with the dreads?
Yeah, at the same time so. Like I said, um, mainly I didn't want to miss anything like that, you know with my own eyes, but I see it on the movies, but like I said, uh, the guy with the dreads, he was looking at the officer as he

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was walking by shooting. That's while I was still in the window and I know that he went past him, that's when I went outside.

MS. : So you say the officer was shooting, how do you know he was shooting at that time?

Cause that's when I heard the gunshots when he's out the vehicle, the moment he gets out the vehicle.

MS. : So what did you do when you heard gunshots?

I'm still in the window and, um, he's shooting, he's walking past his own vehicle to the back of it. And um, like I said, the first vehicle that the guy with the dreads run to, that vehicle is a little bit behind the police cruiser.

So he walks past that vehicle to where his friend ran to and walked past that and that's when my time was to run outside then.

MS. : Okay. When you say he, I'm not sure who you are talking about. (inaudible)

: The guy with the dreads.

MS. The guy with the dreads, okay.

Uh-huh.

MS. : I just want to be clear. So

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you decide to do the window after you see the police start shooting, but did he stop shooting at some point?

: Um, I think there was a pause in that when he past his friend, when he past the vehicle to where the guy with the dreads.

MS. Okay.

: When he past the vehicle.

MS. : When the police officer past the vehicle with the guy with the dreads, that's when there was a pause in the shooing?

Yeah.

MS. Okay. And that's when you --

Yeah, that's when I runs outside, that's when I runs outside and when I gets outside, now Mike Brown is facing him instead of have his back towards him.

MS. Okay. Let me ask you this though.

Uh-huh.

MS. : Before you went outside, you said earlier you yell to

Yeah, I yell to for her to go outside because they shooting. That was cause I going outside at the same time, so I say don't go

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outside cause they're shooting. That's when I notice that he past his friend at that time, so that just gave me enough time to go outside at that time.

MS. : Why did you want to go outside when there is gunshots being fired?

: I mean, like I said, I never seen nothing like that. You never seen nothing like that. I know the direction was going straight down the street going toward somebody that just ran from the vehicle.

MS. : Okay.

: So.

MS. : So by the time you got outside, you said Mike Brown is now facing the officer; is in that correct?

: Yeah, uh-huh.

MS. And tell us what you saw at that point?

: Um, the moment I gets outside, Mike Brown is now facing the officer and he got both his arms on his stomach, like bent down. So I'm thinking like he's now hit in the stomach somewhere.

MS. Okay. You are assuming that now?

: Yeah, I was assuming, I was

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assuming that he was hit down here somewhere cause he is like this, um, curled up.

I remember him taking like two small steps because he kind of ran past his death spot where he passed away at, he kind of ran past that. When he turned around, he got his arms on his stomach, he bent down, I remember him taking like two small steps cause he was going like stumbling.

MS. : Okay.

So, uh, and the officer lets out four or five more shots at him and he hit the ground.

MS. So, just so that I will be a little more clear, I know I keep asking the same things. When you go outside, you see Michael Brown facing the officer and you were demonstrating, would you mind standing up and describing where his hands were at in the area for the recording?

Yeah, so when I gets outside he is now like this.

MS. : And you are actually, and so for the recording, you are now Michael Brown, right?

: Yeah.

MS. And you are saying he is almost like --

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: Like bent down, like he was going down.

MS. : Okay.

: Like he was going down. He took like two small steps, like he was stumbling.

MS. : And you have both hands across your stomach and your waist; is that correct?

A Yeah. So, um, so when I seen that, um, that's when the last four or five shots come out. And he drops just like how his body is and, you know. Let me see, yeah, one more, yeah, I mean, they both, yeah, he just was like how he fell. I think one arm fell, something like that.

MS. : You are showing one arm is down on his side --

: Yeah, when he hit the ground.

MS. : Let me just be correct for the recording. Do you know whether it was his left or his right or you just, you just know one hand was across the stomach, waist and the other one was down at his side?

Both of them was on his stomach and when he gave out the last shots, his body just boom.

MS. Okay. And you're showing one

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arm across his stomach and the other arm to his side?

: Yeah.

MS. : Okay. And by the time, and you say, when you saw was the officer firing those final shots; is that right?

: Huh-uh, yes.

MS. Okay.

: So I think that is where the pause come from.

MS. : Okay. You can have a seat, thank you.

So your memory is some shots, when you are peeking out, looking out the window through the blinds.

: Yes.

MS. : And then there are shots right that you saw right before he fell; is that right?

: Yes.

MS. Was out there, you were on the balcony at that time?

: Yes.

MS. Were your kids with you?

: Uh, yeah.

MS. How many of them are there?

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: Uh, there was three at the time.

MS. : Okay. How old are they?

: , and .

MS. : Okay. And so, um, did you, when you ran outside, you said initially, we're talking about pause, you went outside, you realized you forgot your phone and you went back and got your phone, and the kids come out at the same exact time as you?

Yeah, like at the same time, at the same time.

MS. Did you grab it? Did you have any kids with you or did they follow you?

: No, um, during the, she lets the kids come outside at that time.

MS. : Okay.

: I remember she called them to come outside.

MS. So did all three of them kind of walk out with you, is that what's going on or what?

I think they came out a little bit after me cause she called them outside.

MS. : Okay.

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MS. WHIRLEY: Let's stop there because I think we're all kind of restless. You probably need a break.

MS. ALIZADEH: It is 10:29, and we've stopped the recording of the fourth interview of . It looks like it is about halfway through and it has been going on for quite a bit. So this will be probably a pretty good place to take about a five, ten minute break, get up, stretch, go to the bathroom. And so at this time, we will pause the recording, take a few minutes to have a break before we resume.

(Recess)

MS. ALIZADEH: All right. It is 10:44, all 12 grand jurors are back in the room after a brief break. We are going to resume the playing of the audio statement of the fourth statement of .

And at this time I will ask the court reporter to pause the audio recording that we are making and he will continue to transcribe or take down the statement as best he can that is being played for grand jurors, which is contained on Grand Jury Exhibit Number 23.

MS. : And then once Michael Brown

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fell, the officer, did the officer go near the body at all?

: Yeah, um, not too close, maybe 4, 5 feet away. He kind of standing over him, you know, with his gun out on his talkie thing.

MS. You are pointing to his shoulder, so you saw that?

Yeah, I definitely seen him, you know, like this, you know, with his gun out still.

MS. : Okay. And you are demonstrating talking into the mike on his shoulder; is that right?

: Yes.

MS. Okay. You didn't see the officer touch the body or do anything more with him?

: No.

MS. : Then afterwards, what did the officer do?

Um, huh, huh, huh. I think, uh, let me see at that time I was messing with my phone, turning it on. So, I think, I think I haven't really noticed it until the other two cops came.

MS. Okay.

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I just notice like wait, a cop just shot somebody and I'm still turning on my phone because it was off.

MS. : Okay.

: Let me see. Yeah, I can't remember just like before the other, the first two officers came, and like what he was doing at that time like right after he did the shooting or whatever. I know when he got done, he was standing over him on his thing.

MS. : On his radio --

: I can't remember if he walked to his car first or he came back before the other two came.

MS. : Let me ask you this, were you at all trying to get your phone to work while, before Mike Brown went to the ground while this whole thing was happening, were you trying to get your phone to work?

Oh, no, I was already outside, like it didn't come on until the first two officers came.

MS. : I understand that.

: Uh-huh.

MS. : Did you try to get it to work

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before then.

Oh, no, huh-uh.

MS. No, okay. Um, and just going back, you said you saw his arms crossed, across his stomach area, did you notice anything about his hands?

No, no, I just thought he was shot in the chest or the stomach or something.

MS. : As far as your vantage point from what you saw, his arms and his hands were across his stomach, correct?

Uh-huh.

MS. : Is that a yes?

: Yes, yes.

MS. : At any point did you see his hands in the air?

No, I didn't, I didn't.

MS. : Okay. When you decided that you were going to go from the window to the outside to the balcony because there was a pause, how did you know that that would be a good opportunity to go outside?

Because, I mean, like just seeing an officer with a gun just shoot, just, you know, just anybody shooting period, you know. I

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just see him gets out of the car shooting, you know, and I'm paying attention to the guy with the dreads. Cause I'm thinking that he could just easily walk over and shoot him dead. Like I didn't want to miss that or something like that, you know.

So it is just, that was just my timing right there like when I notice that he walked past the car and that was just my timing right there bam, he just got done like with a pause or something because I said when I gets outside, it was still like three, four, maybe five more shots.

MS. : Okay. And what happened when you got outside, what was the kid with the dreads doing?

Um --

MS. : Did you see him?

You know, I got my eye, I really kind of stopped paying attention to him. Because as I said, I did notice that the driver, passenger side door was open on that car, but I stopped paying attention to him so, and I started focusing on Mike Brown cause now he's dead, and the officer started walking towards him with the gun.

So, um, let's see, yeah, that's it about that one, yeah.

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MS. I notice in some of your previous statements you had said that the kid had just got in the car and the car had driven off.

: Yeah, um, I, I, I, I think that was maybe right when he saw his friend die, you know, hit the ground.

MS. : So my next question is, did you actually see him, the kid with the dreads, get in the car or did you assume he got in the car?

: I, I, I assume, I assume that because the car was gone right after that, the car was gone.

MS. : And where were -- and did the kid with the dreads (inaudible) where you could see him?

: No, I figure that he hopped in and asked to pull off.

MS. Right. You figured that, right?

Yeah, you know, I kind of stopped paying attention when he walked past him.

MS. Okay, but you actually saw for yourself, the last thing you saw was the kid kind of ducking around that car?

Uh-huh.

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MS. And moving?

: Yeah, ducking. And about time he gets to the passenger side door because it was open, about the time he got to that, I said the officer passed him, so that's when I came outside and started going on Mike Brown now.

MS. : Okay.

MR. : So the last time you seen the guy with the dreads, he's headed for the back of that car forward --

Yeah.

MR. : -- towards the passenger door?

: Yeah, yeah, ducking down looking at the officer all through that time.

MR. : But he is heading away from Mike Brown and away from the officer, the opposite direction?

Yeah, yeah.

MR. : Okay, all right. And, um, so at that time you are watching the officer.

: Uh-huh.

MR. : And the guy with the dreads and Mike Brown, I think you previously said, Mike Brown was about 25 feet --

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: Yeah.
MR. : -- past where that was. So at that point you're not watching Mike Brown, you're watching the police officer and the guy with the dreads?
: Yeah, um, cause Mike Brown, he kind of ran some distance at that time. Was he in your field of view, like could you see him from when you were in your bedroom looking out the window, were you able to see him?
Uh, Mike Brown, I couldn't see Mike Brown, cause of, cause of the way, I could see his death spot out of my bedroom window, but as I say, he ran past just a little bit.
: Past --
: You know, that would be right there, that building, I think it is that one right there, that building right there. He was out of my view at that time, but the officer past his friend, that was my opportunity to go outside.
MR. And when, okay. So he, Mike Brown left your view there.
: At that moment.
MR. You don't know, so then you

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don't know what's he doing?

: Exactly.

MR. Okay, thank you.

MS. : And the next time he came into your view is when you went outside and you are on the balcony and you saw?

: Uh-huh.

MS. : Him facing the officer and as you described, his hands across his stomach.

Yes, and like I said, they were still, 25, I don't even know my measurements good enough.

: That's fine.

MS. We don't need --

It was some distance.

MS. : Were you able to hear any words coming from either the officer or Michael Brown?

No, no, not at all.

MS. : Okay. Did you see their mouths moving at all?

: Umm, no. Just the only time, they got me, that he was talking on his thing.

MS. : Right.

You know, I'm not sure what he was saying, but he's talking.

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MS. : You are referring because the audio recording that you are referring, the officer was talking into or his radio on his shoulder, correct?

Yes, yes, yes.

MS. : Okay. I just want to ask you, after it all happened and you were on your cell phone, you're recording?

: Uh-huh.

MS. : Can you just talk about who was around you? I know you said you were narrating it, there are people in the background.

Yeah, like I said, it was a guy on that parking lot already in a burgundy, maybe a burgundy Bonneville. Him and his girlfriend they was already sitting out there and they were just talking.

And I remember him saying something that the officer reversed back and ran over his foot, but I remember him saying like on a recording that I assumed that he just ran into the car and got to punching on him or whatever, you know, but he said that he ran over, that he reversed back and ran over his foot and tried to grab him through the car window.

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MS. : Do you know this person?
: No, I never seen him before.
MS. : Have you seen him since?
: No.
MS. When this discussion is happening, this was occurring on ground level?
: Yes.
MS. So the recording you provided St. Louis County, was it from the balcony?
: Yeah, it was from the balcony.
MS. Okay. So just help me understand that. When I watch that recording, it seemed like, and what you just told me was on the recording. The person in that car, that burgundy car down below talking up to you?
: Uh, you know, I can't even remember. I don't know if he came up or not, like on the steps wise. So I really can't remember. I really can't remember.
MS. You say a burgundy car?
: Yeah, yeah, I know that when I went out there onto ground level, that's when I was really talking to him, but I'm trying to remember like if at the time when I was recording on my balcony, if he walked up to the steps, cause I do

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remember that, you know, so I really can't.

When you say balcony, I'm sorry, I want to clarify for my own, is it right outside your front door or a door outside of your living room.

Yeah, it is right outside the front door.

: Okay. So steps are right in front of your door?

Yeah, right in front of my door, the balcony is right there.

: Gotcha.

: Yeah.

MR. : You indicated initially when you went to leave your window and go out to the balcony, that you had to double back to get your phone.

Uh-huh.

MR. : Where was your phone?

: My phone was in the bedroom.

MR. So you went from your bedroom to the door?

Yeah, yeah, yeah. As a matter of fact, my phone was right there, right there by the door of my bedroom. I have a little stand right

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there, so I ran that, grab that and went back to the front door.

MR. : All right.

So I was headed, I took some large steps too, I don't think I missed too much from that.

So when you said you saw the officer get out of the car.

: Uh-huh.

: Did you see what kind of car, vehicle, he was driving, what type of vehicle rather?

: Um, it was definitely a truck, the Tahoes, the Tahoes.

Okay. So when he got out of the car, and the Tahoe is a pretty big car.

: Yeah, yeah.

SUV.

: Uh-huh.

You could see the officer and what he was doing?

: Yeah, I could just see his movements, you know.

Okay.

: You know, so.

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I think after Mike Brown ran away.

: Uh-huh.

Officer, gets out of his car, you can see the officer.

: Yeah.

His body position?

Yeah.

Over by his car?

: Yeah, basically from like his chest on up.

Okay.

: So I didn't -- I could see like see his gun too, but not like his stomach on down to until he got past.

: Okay.

: You know, so.

And you heard the gunshots?

: Yeah, that's when I started hearing the moment he gets out of the vehicle.

I'm sorry, I can't remember if you said this, do you know how many?

: How many he shots?

: Uh-huh, before the pause?

: I don't know, maybe five.

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Are you guessing?

: That should be about four, five.

Okay.

Yeah.

MS. : If you're not sure, it is fine to say you're not sure.

: Okay. I know it was a nice round because he gets out of the car immediately and started shooting, just like I said, each time that he shot, I was like I said, I feel for the guy with the dreads. I think of it as a nightmare too because each time he saw the officer shooting, he was just like, you know, kind of like, I seen his body jump just looking at each time like he was like a duck that he was giving hisself around the vehicle. So I would have to say about four or five.

MS. Okay. Do you remember when you first talked to the County detectives, you gave a recorded interview and a couple minutes later, you had a follow-up right away and they went back on the recording, do you remember that?

: Um, with them?

MR. : It would be on the same day, August 9th. It was about four or five hours after

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all of this happened that day they came and they talked to you?

: Yeah, yeah, yeah, it was that same day.

MS. You gave a recorded statement and literally within a minute, maybe even seconds later they went back on the recording. Was there something that you had asked that you said I wanted to ask you about. You had said in talking about the initial altercation, you had said that, um, that you heard the shots before the police officer got out of the car and that's what made the police officer get out of the car.

So I know that since then and today that you heard the shots after the cop got out of the car. Now one point you said that, that is what I was just wondering.

: Um --

MR. : You said, what is referring to, Detective asked you, when did you hear the first gunshots, you said you heard gunshots.

You said, I was in window. And Detective asked you, and where was the officer at that point.

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And you said that he was still in the car, that's when I saw the altercation, whenever it was happening in the car and the guys ran.

And so at that point you indicated the first shots were while the officer was still in the car.

And let me ask you this, kind of, you mention at the very beginning, I meant to ask you this earlier, but that the guy with the dreads and Mike Brown took off running at like the same instant.

: Uh-huh.

MR. Is that right? They both just took off running at the exact same time?

: Uh-huh.

MR. : And you hear or seeing anything that would cause --

: That's the point, I didn't even hear a gunshot go off while the officer was in the car, you know. So like I said, I really didn't hear. The only thing I heard was a hard tussling, you know. So that is what drew me to the window, I could hear everything because it echos, so I could hear everything, but that is what drew me to the window.

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But they did take off at the same time, but I really, I didn't think that maybe a shot went off in the car or something because that was a good timing, you know.

MS. : The reason we ask you is because as just read to you the transcript of your statement, you said at that point that the shot had gone off in the car.

: Yeah, maybe, I mean, I know for sure I didn't hear a shot go off in the car, but, um, like I said, that's probably wasn't like the first interview, that's maybe because I'd have heard that a shot did go off so, you know, I was trying to put a puzzle together too, maybe that's the reason why they ran, but I didn't hear.

MS. : So there is about four hours from the time this whole incident occurred to that the time that the county cops interviewed you. In those four hours, I know that you videoed a lot of it, or people on the street, did you talk to your neighbors, kind of talk --

No, because a lot of people are my neighbors, they didn't see everything. They didn't see, it was just a main guy got, uh, from what I saw I kind of, you know, I like his beginning

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from when he said he saw Ferguson pull up on these guys.

MS. That guy in the burgundy car?

: Yes, yes.

MS. You talked to him?

: Yes.

MS. When you talked to him, did the two of you kind of piece this together?

: Um, like I said, he saw the whole thing basically, but I pieced his with mine.

MS. You say he saw the whole thing, and he never gave you his name?

: No, huh-uh.

MS. Do you know how to find him?

: Not at all, not at all. I don't remember like seeing him again afterwards or the vehicle.

MR. Can you just real quick, can you tell us what he told you again about what he saw?

That he said, um, um, that the officer pulls up to them and the officer says something to them and they say something back, and he reverses back and like I said, that's why the police cruiser is in the middle of the street

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diagonal because he cuts Mike Brown off.

And he said that he runs over his foot to catch him or whatever, he said that he reached out the window to hold him or whatever, and, um, and maybe that's where the tussle started at. Going on maybe to let him know or whatever he, maybe he was punching on him in the window, whatever the case. That's when I came to the window because I heard the little tussle.

MR. Did he say anything to you about a gunshot while the police officer was in the car?

: I -- I really don't --

MR. Or did the officer say something about that to you?

: I don't think that he did, I think somebody else said that, somebody else that walked up and said that a gunshot, that's the reason why they ran so fast so, but I don't remember that the guy with the purple car that said that to me.

MR. And so as you sit here today, do you know whether the first shot was, whether you heard the first shot while they were, while the police officer is still in the car or after he got out of the car.

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I only started hearing shots when he gets out the vehicle.

MR. : Okay. And this individual that you talked about who told you what he saw before you actually started looking out the window, you didn't see any of that, the police officer pull up and an exchange between the two of them talking or him backing the car up, you didn't see any of that.

: No, I didn't.

MR. Okay. Did you want to take a break? I think we will take just a few minute break.

: Okay.

MR. : You want to leave this on? That's fine, that's fine.

MR. : That way we don't have to come back on for .

: I hear you, I hear you.

MR. : We will be back, thank you for your time.

: We will just be a second.

: Okay, not a problem.

(They took a break.)

Sorry about that, okay.

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: No problem.

: You okay, you need to go to the restroom or anything like that?

: No, I'm fine.

: So we have a couple more questions.

: Okay.

MS. : So what is saying, we really aren't going to go and tell anybody that you gave us this information or that we spoke to you because when we do our investigations, we want to find out what happened. And the only way to find out what happened is if people feel that they can truly just kind of open up and let it out.

: Right.

MS. If we end up saying oh, so and so said this, what do you think about that?

Right.

MS. : It kind of doesn't, it, it doesn't, it muddies the water a little bit.

: Yeah, yeah.

MS. We talked about what you know and we want you to, we really want to show you that we're never going to go to another person and say hey, told us this or that. It is kind

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of like, yes, you gave interviews before, and yeah, you were on TV, but in here, this is totally separate and apart.

Okay.

MS. : This is your opportunity to kind of lay it out. I know that you are concerned about, I think you said you saw some websites about snitches and so forth.

: Yeah.

MS. : And so is that from concern from in the community?

: Uh, yeah, it could be anywhere, you know, it could be anywhere. It could just be anywhere, so I'm not even sure, you know.

MS. : We get it. This has caused a lot of people to take sides and so forth, and we just want to figure out what happened.

Uh-huh.

MS. : We really do.

: Uh-huh.

MS. We want to know and what they saw.

: Okay.

MS. : We are not going to say oh, you know, we got your information from

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because, you know, nobody is going to find out.

: Okay.

: is there something specific that you don't want to tell us?

Uh, no.

Because I'm concerned that you might have been directly threatened or there is people, because you keep looking down when you talk about it.

: I mean, everything I'm just, nervous.

That's okay.

I'm not comfortable, I'm just like after this, you know, uh, I think of stuff like that. I said like, you know, everything that I've done and like I said, I go to work, I go to the store and little kids they recognize me and a lot of people, if I get paid a nickel every time I hear the word superstar, you know, I would be rich or whatever. I don't know, it is just --

You know you're not in trouble to feel this way, you are not in this alone. You know, you know, you see the news, there is other people too that they do know the position that you are in.

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And I know it is a lot different talking when the cameras are rolling and then talking to us. Because you understand that there's the lives are affected by, specifically Michael Brown's parents and also the lives of the officer and Ferguson police officers. So we absolutely 100 percent, I know you are a good person, you have a family.

: Yes, I do.

: That you are concerned with, so if there is something more going on, if you want to explain, I suspect that there is, we need to do that, okay?

: Yeah.

: Do you trust us?

: Yeah, I trust you.

MS. Okay. So going back to that, going back to the video that you have, right?

: Uh-huh.

MS. So you were saying, dude, that guy just went up on him, started punching him?

Yeah.

MS. That was your reaction?

: Yeah, that was right away.

MS. : That was your gut reaction based on what you saw, am I correct?

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: Yes.
MS. That Michael Brown went up to that car and started punching the officer?
: Yeah, yeah, cause, like I say, I look at cops all the time, you know, and I see other stuff that, you know, it is a lot of people out there that does stupid stuff to make an officer, you know, to get down on them or whatever. But that definitely what I assume.
MS. And -- what you saw, though, right, you are watching this go on, right?
: Yeah.
MS. So what you saw, correct me if I'm wrong, this kid is doing something really stupid.
: Yeah, I mean, yeah, because like I said, when I see somebody hit a police officer, here I'm hearing a tussle like that, it doesn't look right. So I assume that, you know, some guy just run up to the car and started punching on him and the officer gets out of the car and shoots him dead.
MS. : Right, and your immediate reaction this kid just did something that was pretty stupid. You said he got up in the officer's shit,

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and those are your words, right?

Yeah.

MS. : Okay. And your words are like that kid just went up and started punching on that officer.

: Uh-huh.

MS. : Yes?

: Yes.

MS. : In the background I know that this guy in the red car started like saying oh, no, he started talking about running over and all of that.

Yeah, but still at the same time, I only see the moment when he was already at the vehicle, so I didn't see him run up or anything like that.

MS. : Right, right. So I wanted to ask you some more about that that guy in the car.

: Uh-huh.

MS. : Here is the thing, anything you know that could steer us in the direction of finding him, we would never say told us who you are or how to find you, but it is really important. We need to figure out what happened, right? There are people who, people who were there,

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who saw it.

I mean, if something just come to my mind, I mean, like the video that I have, maybe you could check the license plates on that vehicle.

MS. Okay.

: And go from there maybe, I don't know.

MS. : Okay. Is there any other thing that you know about him?

: No, that's the only thing.

MS. : Because it just seems kind of weird to us, right, that this stranger starts coming up and having a whole discussion with you?

Yeah, I mean, everybody just started talking to everybody.

MS. : I know.

: Like I said, even when I had started recording, you know, I started talking of what I assumed, what I saw.

MS. : Right.

: Uh, even though I saw him already at the window, but I just put it to the point he ran up to the car and started, you know.

MS. : What you said was he got up in

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that officer's shit and started punching him.
: Yeah, yeah, yeah, that is exactly I saw. He ran up all up in his shit, whatever, so.
MS. Is that what you saw, that is what you saw.
: Yeah, but still, I mean, when I saw this kid be different like, as far as like he could be grabbed to the car.
MS. Did you see him get grabbed?
: No, I didn't see him get grabbed, but if --
Have you ever, I'm going to take his off, have you ever been in a physical fight before?
Yes.
Fight with somebody. Now imagine, did you feel like you were at an advantage or disadvantage?
: I mean, you know, I feel if you are in a fight sometimes, you know, this guy's getting an advantage.
Let me ask you, if you are sitting down and someone was standing, who would you say had the advantage there?

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Of course, I believe that's a truck that, of course, anybody standing out of the vehicle would have an advantage.

: Okay.

: Because I've seen it before with my own eyes, that if a guy gets out of the car, they get to punching on somebody that's in the car, you know, because they almost can't do nothing with two hands, you know.

: Okay.

: Maybe with one, grab one hand or whatever, but you know, so that there is anybody outside the car would have the upper hand, you know, so I do see that.

And did you see that?

: Yeah, I mean, I look at it like I said, anybody outside the vehicle has the upper hand.

Right.

: I assume, you know, he ran up to the car and punched him up in his face or whatever, then they takes off running.

So based on what you saw, did you see, did you feel that Michael Brown had an advantage or did you think it was the other way

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around?

A Uh, I mean, the advantage, he definitely has an upper advantage if he's throwing punches, if he's throwing punches from outside the vehicle. So, but like I said, it could be different reasons why, you know, he was on the side and then pulling, trying to be pulled in or something like that, but.

We're not asking you to figure that out either, so don't feel like you have to.

Okay.

We're just trying to find different ways to kind of jog your memory.

: Yeah, but anybody standing outside the vehicle they would have the upper advantage on throwing punches.

MS. : Could I ask you some more about that guy in the burgundy car?

: Yes.

MS. About how old is he?

: I know he's younger than me, a lot younger guy. I'm not even sure how old he is, I know he's younger.

MS. Was he black or white?

Black.

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MS. Was he with anybody in the car?
: With a girl, maybe his girlfriend.
MS. : Did you hear him call his girlfriend by name or anything like that?
: No, huh-uh.
MS. So this is just some guy that randomly is sitting in your neighborhood at that exact moment?
: Uh-huh. And when I got the recording, I got to talking and then I got on ground level and got to talking to him because he's already right there and I got to --
MS. What kind of car did you say it was or do you know?
It was like a burgundy Bonneville.
MS. : Okay. Does know him?
: No.
MS. : Did you guys ever find out afterwards who he was.
: No, not really, not really, not really.
Anybody else in the neighborhood who told you that they saw what

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happened?

From the beginning, there was another guy, like I said, that walked up, he had dreads too. And he said gunshot went off in the car and that's the reason why they took off running.

MS. : Do you know him?

: No.

MS. : Ever seen him before.

: I've seen him around the apartments, I've seen him before.

MS. : Do you know his name?

: No.

MS. : Okay. Do you have anything else you want to tell us?

: I have something to ask.

MS. Sure.

: You reverts back to about the statement that the police or whatever came to my house and I did that and, um, I mean, I hear a change, you know, you already told me, you know, can you change anything, but you know, I'm hoping that I don't get in trouble for that.

MS. : You're not in trouble.

: I just said maybe, maybe when I said that is cause, like I said, I already had did

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so many interviews already, so each time when I like hear, you know, what, even one time when I had like my first of two interviews.

MS. : Uh-huh.

My first of two interviews, my first of two interviews I was already saying he, the officer let out about eight shots, eight, nine shots. But then I remember like a few more interviews after that, that's when I notice about the, I saw the autopsy. And I remember telling the reporter, I said they only found six shells, that Mike Brown was hit six times, you know.

I was saying like, he only shot six times through that whole time? So, you know, I was breaking that down so, but if I even said that to him, it is probably, you know, because I already heard somebody said that's the reason why they ran cause a shot went off.

MS. Here is the thing, you are not in trouble, okay?

Okay.

MS. : I don't want, I want to put you totally at ease. I understand that, you know, you're sitting here talking to federal agents, federal prosecutors and it can seem scary to

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anybody, okay?

: Uh-huh.

MS. : You're not in any trouble, as long as you just tell us what you, yourself remember.

: Yeah.

MS. : The best that you can, okay?

: Yeah.

MS. : Okay. As long as you do that, you would only get in trouble if you lie to us.

: Yeah.

MS. : That's why we want to make sure that you are telling us, we want to know the truth.

: Oh, okay.

MS. : Whatever side it falls on, whoever it helps or doesn't help or hurts, we just want to know what happened.

Okay, not a problem, not a problem.

MS. : We don't want you to get worried about getting in trouble. We do want you, we want you to just talk about it later, you are a piece of the puzzle, all right? Nothing rises or falls with you, nothing makes or breaks with you. Even though you are on the news or media calling

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you, that doesn't matter. You are a witness on a case like any other case, okay?

: Okay.

MS. : And so we just want you to tell us what happened.

Okay.

MS. We understand it happened quickly, people have different vantage points, different views of things.

Right.

MS. : We want to know what you, saw and heard.

: Okay.

MS. So is there anything that you told us here today that you want to correct, that you think maybe we didn't understand correctly?

: No.

MR. : I think you said something about being concerned about changing things or whatever. You should have seen how many, us sitting here today, this is a clean slate, okay?

: Okay.

MR. : What you have had to say before doesn't make all that much difference. What we are interested in is how do you recall this.

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: Right, uh-huh.
MR. We want what your best recollection is.
Okay.
MR. : So don't worry about trying to keep things straight or not changing things. I mean, if you recall things differently, then you just need to let us know.
Right, right, right, right.
MR. : And I mean, as we sit here, is there anything at all that, you know, as you look back at it, that you are concerned at all?
Um, no, I told everything, the whole story, everything you guys asked. I mean, that's really nothing. I mean, it is just kind of, it is just maybe a few questions. About if a gun went off in the car.
MS. Look, some people heard one thing, others heard another. You didn't hear it, you didn't hear it. We just want to know what you, yourself, heard and saw.
: Okay.
MR. : We want to know what you actually know. If you're not sure, if you don't recall, we need to know that, okay?

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Okay.

MR. : What is your concern about that, about the shot was in the car?

: No, no, I mean, not too much of a big concern, but it just, uh, uh, like basically me just wanting to know if a shot really did go off in the car.

MS. : We can't tell you one way or the other.

I understand.

MS. : Here is the thing, it is like we said before, if we tell you what someone else said.

: Absolutely.

MS. : What you, yourself, saw. It is natural when people start telling you things.

: Gotcha.

MS. : You start putting pieces together.

: Uh-huh.

MS. : And you, you know, you may start thinking you know something when in fact, you know, you don't.

: I understand, I clearly understand.

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MS. Okay. So you brought up before, so is reading what I refer to the statement, is reading a transcript of it. The reason we were asking about it is it was clearly something different that you said from what you're saying today. It doesn't mean you are getting in trouble for that, we are just trying to figure out why you said one thing on one day and why you are saying a different thing today, and that is why we brought it up.

: Okay. That is just that little part.

MS. Right.

MR. And you said other things before, you mentioned different --

: Yeah, yeah, yeah, I was adding --

MR. : You have talked about, yeah, right, I'm just talking about, you know, when you go back through those statements, there is that one instance we talked about, you know, where you talk about the police officer being in the car when you heard the first shots fired.

Other times you talked about that he was out of the car when the first shots were fired.

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What we are trying to figure out is just how you best recall it or whether or not you are sure about whether he was or, you know, at the time that the shots occurred, that's all we are trying to do.

: Okay, not a problem.

MR. Well, I mean, let me just touch on that one more time. Can you tell us what you recall about at that point as you are looking at the window?

: As I'm looking out the window, I see Mike Brown at the driver's side window of the police vehicle. I see a tussle, I see his arms moving, I see the officers arms moving, so I heard a hard tussling.

Then all of the sudden they just takes off, they just takes off running. I see his friend, like I said, he runs to the first car that he sees, runs behind the trunk of the car because the officer immediately gets out of his vehicle and started shooting. So I see him looking at the officers as he was taking large steps going for Mike Brown.

About the time that I notice that the officer went past his friend, that's when I came outside. By the time I gets outside, I see Mike

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Brown now facing the officer. He's bent down, got his arm under his stomach and, um, like he was going down, not even to surrender, to say give up, just going down to bleed a little, but the officer just lets out four or five more shots at him and then he hits the ground.

MR. : All right.

Just like (inaudible).

MR. : You said several times too that those first shots that officer fired, closer to the car, that you heard those. Are you sure that you actually saw him fire those shots or did you hear those shots, or because you said several times, I notice in your prior statements that you refer to hearing them.

: Yeah, I saw him. I saw him shooting at Mike Brown the moment he gets out of the vehicle.

MR. : Okay. The moment he's getting out of the vehicle?

: Yeah, the moment --

MR. : Is he fully out of the car?

: Yeah, he is fully out of his car standing with his gun out, starts shooting, but he is still in his vehicle range and his cruiser

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range. So he ain't even get past it, you know, before he started shooting. So he is just like, he gets out of the car, bam, you know, starts shooting.

MR. : Anything else?

No.

MS. Do you have any other questions for us?

Not at the moment.

MS. : Did we force you to say anything you didn't want to say?

: Uh, no.

MS. Do you think we treated you fairy?

: Yes.

MS. Is there anything else you want us to know, anything else you want us to know?

: Uh, no, not at the moment, but you know, maybe as time go on, I do have you guys.

MS. : Yes, you do. That's a good point you made. I want you to know just because you came in here and spoke to us doesn't mean you can't feel free to call .

: I definitely will because I don't have a lawyer neither.

Do you feel like you need a

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lawyer?

: Maybe not, maybe not. I'm just looking at why do everybody else have a lawyer.

: That's an excellent --

: Do they feel like me?

MS. : We can't tell you, all we can tell you, you are not in any trouble if you come in here and tell us what happened and the truth, okay?

: Okay.

MS. So as long as you came here and told us what happened.

: Right.

MS. : Then you don't have to worry.

: Okay.

MS. Because that's all we really want.

: Okay.

Can I ask you, I'm concerned about it, I understand the worry.

: Uh-huh.

And I think that if you want to talk to us again or one-on-one if you just want to talk to , you want to talk me, you just want to talk anyone, you can do that too, but I do think there is more to it, I really do. And I want you to

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feel comfortable with that because understand, you are not in any trouble, do you understand that?

I understand.

: Okay.

MS. : Is there anything else? You seem hesitant, that's why I keep asking you.

: Um, I mean, since, since, you know, I received the call, you know, about, you know, come down to the FBI or whatever, I've been, you know, I can't wait to get down there, you know, I need to tell you how I feel. You know, what's going on, it is just me, do I need to keep doing what I'm doing, go to work, you know, take care of your family, you're doing, you're fine. Okay, so I don't know if I need to be told that, you know, or if I really need some help, you know. It is really, really bothering me.

Like all the way it has been over a month now, I haven't ate good, you know.

I just checked my weight today and I lost some pounds.

: Okay.

At the time that I checked it was like 160, 165. I checked it today, it was like 152.

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Okay.

I've been eating like horrible, like once a day, like mostly like at nighttime. You know, so the whole day I eat little snacks, I'm not getting full like, you know, everybody supposed to eat good full like two or three times a day at least, but I'm not eating much, not getting as good of sleep.

What's on your mind?

: I mean, I don't know just, um, maybe just what if what I already did with the reporters and, you know, I be thinking like somebody is looking for me, maybe. You know, I just have weird feelings.

What type of person, what do you think that you did wrong?

: I mean, just the point, um, I did quite a few interviews and I don't think, I only know there's a few witnesses. I think I just notice --

: There is only a few witnesses that went to the media, there is a big difference between only a few witnesses.

: Okay. I don't think they didn't do as many as I did.

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: Okay.
But like I said, I don't know if I'm just worried, by me doing that I just immediately felt so worried since then and not having a lawyer and seeing that on the internet.
MS. Are you worried about being called a snitch?
No, I'm not worried about that. I'm hoping, I don't want nothing happening to me, you know. Maybe if my information is really good enough or whatever, and you know, I don't want nobody coming looking for me because I have good information, whatever the case.
MS. : Gotcha.
: I have a weird feeling.
MS. : Well, I tell you this, first of all, and I know if you feel like your personal safety is endanger, you need to call 911, but you have my name.
Yes.
: Okay. If you get any threats or anything you call me. That is the main office number, you can talk to anyone.
: Okay.
: If that makes you --

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: Okay.

You know, anybody you want to talk with.

: Okay.

: Ask for me, they'll put you through.

: Okay, all right.

: But I suspect there is more to it. I know there is a lot of pressure, like you said, you feel like, I don't want to put words in your mouth, but there may be a bit of a spotlight on you?

Yeah, that too, that too. You know, it is almost like a now, I already got bills that I have to, you know, worry about it now. Now this is just all up in my mind.

Yeah.

: You know, so, I mean.

MS. You said something before about being a good enough witness, there is no such thing as being a good enough witness. Everybody knows what they know.

: Right.

MS. : Or they don't know, everybody plays a part. There is no measure for anything, the

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only thing we want is for people to come in and tell us what happened. Nobody is good enough or bad enough, they are what they are.

: Okay.

MS. You saw what you saw, heard what you heard and that's it.

Okay.

MS. : Not good enough or bad enough, you happen to be there and see the part that you did.

Okay.

Do you feel comfortable with everything you said today?

Yes.

: Okay.

: Okay.

MS. : Thank you.

: Thank you.

: All right.

: I hope that is good enough.

MS. : I just said there is no such thing as good enough, did you tell us the truth?

: Yes, of course. I done exactly what I saw and just to let you know, the last interview I did with , that last

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one. You know, I don't know if he was trying to confront me or whatever, but he had the other girl, he had me to listen to her story so see whether my story were to change. I mean, that's what she saw and this is what I saw, you know.

MS. : Right, so you made a good point. He showed you someone else's interview?

: Yeah.

MS. And he asked you about it, right? Is why you feel uncomfortable, this is why we don't tell you what other people said, we just want to know what you said. We are not going to ask you about someone else's.

: I gotcha.

MS. : Okay.

: I gotcha.

MS. : Do you feel like we treated you fairly with the questions?

Yes, yes.

MR. : You are comfortable today?

: Yes.

MR. : Do you feel like we confronted you the way he did?

Yeah.

MR. : That we confronted the way

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did, is what you are talking about?

Oh, no, no, no.

MR. : All right. But you're concerned about the way (inaudible), that's why you quit doing media interviews?

: No, no, because after that, it just, I just thought I did so many and all of these reporters, they was coming to my house, calling my phone, they coming to my momma's house. I don't know how they got my momma's address.

They called my next door neighbor, I don't know how they get her number. They was just like, when I get home, it has been like a good two weeks after his death, like they like, when I get home, I like to straighten out my apartment. I like to straighten up to make sure everything is right.

I've got kids, you know, I like to straighten up and relax. That's the first thing I like to do when I get home there may be three or four waiting on me, you know, trying to get a piece of me and stuff like that whatever. And, you know, they throw cameras in my face and say, it is live. I'm like okay, whatever.

But it is just after so many of them, that

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is just when it hit me, that same night after doing that show, I came back home and my fiancee came home too, and we kind of had some words exchanged and she didn't want to give me a kiss or whatever, but normally when she don't do that, I go up and mess with her, but I didn't bother her at all about that.

I just went into the kitchen and started walking around in the kitchen and I started to fix me a sandwich. As I was fixing a sandwich, I've got the two (inaudible) out, but I'm just pacing back and forth in the kitchen. I started sweating and being real nervous.

So when my fiancee walking around, you know, with an attitude, I stopped her in the kitchen and said look, you know, right now, you know, what you want right now is petty right now, I just want to tell you that right now. I'm feeling very, very sick right now, very, very sick. I'm shaking and I'm nervous right now and I'm scared, you know.

It is just since that day, it has been kind of different. Like I said, my stomach started hurting then one morning, on Monday morning, on Mondays I have to be at work about 6:00 in the morning to go to the office, but I woke up like five something with some real chest pains.

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So, you know, it was just almost like, you know, something trying to happen, you know. One after another, whatever.

I don't know, like I said if I'm just worried. I be on the highway and a couple of times I'll be seeing like almost accidents going to happen or whatever, you know. And like I said, I'm worried, I be worried. It has been twice I seen when I leave off work, I gets on the highway, has been two times I seen a guy on a motorcycle, black motorcycle, black helmet, black everything, follow me. I don't know, he wasn't following me though, but just, you know, I didn't see him in my rear view at first, but now I see him.

And from St. Charles Rock Road to Lucas and Hunt, it is kind of a little distance. He was behind me for a minute and I got to thinking like, then he zoomed past me and then started catching up and then he started catching up. And he zoomed in front of me and then he zoomed in front of another car and I'm like oh, that could have been an accident.

I'm just saying, I was looking what if this guy maybe looking for me. I think of stuff like that. So that's it, that's it, so I am

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comfortable talking to you guys about that.

MR. : Other than that news interview you talked about, has anybody confronted you about this in a way that --

No, I know around my neighborhood and at work, everybody is looking at me as a super star, you know. When I catch some guys at the store, have you been on TV. They be wanting to shake my hand so. I see, you know, in that community they see me as, I guess, I'm okay, you know, so.

I do think of the Klu Klux Klan, I do think of them. You know what, a friend told me yesterday, I don't know if it is true or not, I doubt if it's true. He said, uh, that something happened to Mike Brown's family at their house, like their house got shot up or something.

I'm asking?

That's what he said, he said that one of Mike Brown's family's momma house or something got shot up by the Klu Klux Klan or whatever, you know. So that is what he tells me last night or whatever. So I don't do much believe that, but still as far as me, just in case because I don't have a lawyer or whatever, all the information that I said on each

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interview and stuff like that, so that's it, that's it, you know.

Okay.

But I am comfortable, so I do have your number, so anything else I'll make contact.

Okay. Well, I'm going to end the recording. It is 2:38 p.m.

(End of the recording.)

MS. ALIZADEH: It is 11:35 and this is Kathi Alizadeh, all 12 grand jurors are still present, we just completed the tape recorded fourth statement of . And at this point, I'm going to have go ahead and finalize the tape. Immediately after this, immediately after finalizing the tape, I have a witness that we are going to go ahead and call.

Typically we play the statement before the witness, but I just, since he has been here, I would like to get him on and off so he doesn't have to wait. And then after he testifies, we will play his statement for you, which is about 30 minutes and only one. And, um, then you break for lunch, maybe after this witness testifies and then after lunch play that 30 minute statement of his. And so at

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this time we will end this recording and finalize the disc.

(Recess)

MS. ALIZADEH: All right. This is Kathi Alizadeh, all 12 grand jurors are in the room, as well as Sheila Whirley who is with the St. Louis County Prosecutor's Office, and at this time I will ask the court reporter to pause the audio recording and then we will have the witness identify himself and then we will resume the audio recording for his sworn statement.

WITNESS 10,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Now, as I mentioned to you, well, let me first have you state your name.

A (Redacted)

Q And I told you before you came in here we were going to record things, but that you were not going to be recorded when you stated your name,

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correct?

A Correct.

Q And you believe me that I'm going to keep my word on that?

A Yes.

Q All right. And then after the introduction portion, the court reporter will begin the recording again. You will be referred to as Witness Number 10, all right?

A (Nods head.)

Q And the grand jurors will refer to themselves by their grand juror number.

If, you know, sometimes I don't know if there will be any reason why you would say your own name, I would try to remind you don't mention your own name while we are recording because that's, we are trying to protect your identity, okay?

A Okay.

Q How old are you?

A (Redacted)

Q And what's is your date of birth?

A (Redacted)

Q Okay. And whereabouts do you live?

A (Redacted)

Q And did you grow up in ?

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A Yes.

Q Okay. And are you familiar with the Ferguson area?

A Yes.

Q And what do you do for a living?

A

Q And what's the company you work for?

A (Redacted)

Q How long have you been working for them?

A I have been working for them for

Q Okay.

MS. ALIZADEH: At this time, , I will have you go ahead and start the audio recording.

(Audio recording is started.)

Q (By Ms. Alizadeh) Now, Witness Number 10 you have been sworn and you have just introduced yourself to the jurors. And you understand that this is an investigation into the shooting death of Michael Brown, correct?

A Correct.

Q I talked to you on the phone yesterday about coming forward and testifying today, correct?

A Correct.

Q And you know you are under oath and sworn

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to tell the truth?

A Yes.

Q You have been interviewed by the St. Louis County Police Department as well as the FBI; is that correct?

A Correct.

Q But that was just one interview; is that right?

A Yes.

Q Have you ever been on television or gone before the media?

A No.

Q Have you done any other interviews whether it be with law enforcement or anybody in the entertainment or media industry?

A No.

Q And so other than that statement that you made previously to the County Police and the FBI, is this really only the second time where you've been asked to answer questions about what happened on that day?

A Correct.

Q Okay. So Witness Number 10, can you tell me on August 9th of this past year, a little over a month ago, were you still working for the company

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that you identified at that time?

A No, I was actually doing a side job.

Q Okay. So this was something on your own that you were doing?

A Correct.

Q And were you working by yourself that day or were you with anyone else?

A I was working by myself.

Q Okay. So was it a that you were working at?

A No.

Q

A

It is being there in that doing just that they asked for me to do.

Q Okay. So what kind of work were you doing, was it indoor work or outdoor work at this ?

A Indoor.

Q Was it work you are familiar with, like and stuff like that?

A .

Q And so you said that was the

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you had ever been at that ?
A Correct.
Q When were you previously at that ?
A I believe in , maybe.
Q Okay. So before?
A Yes, yes.
Q And did you know the name of the ?
A No.
Q And the day on August 9th when you were working there, was there anyone at ?
A Yes
Q And is that just that was there?
A No, it was and the original that once before I seen once before.
Q Okay. So the original , was that that was there?
A .
Q Was the was that that you know of?
A I'm not sure.
Q Okay. Did you have any interaction with

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A No.

Q Okay. About what time of day did you get to that

A Um, I arrived roughly around

Q In the morning?

A Yes.

Q And do you remember the address of that ?

A No, I'm not sure.

Q So are you familiar with the Ferguson area?

A Yes.

Q And how did you get to that that day? I mean, you don't have to start like where you are starting at home, but did you get to that residence off of West Florissant?

A Yes.

Q Okay. So from West Florissant, what street did you turn onto?

A Let me back that up. No, I actually didn't get onto the street off West Florissant, I actually took there is a back way off you can take to get to

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that street.

Q Okay. Is the near the Canfield Green Apartment Complex?

A Yes,

Q Now, I might ask you to stand up here Witness Number 10. And this is an exhibit that I've marked as GJ for Grand Jury Exhibit Number 25, which is a map. I showed you this map right before you came in to testify; is that right?

A Yes.

Q Okay. And are you familiar, do you recognize the streets or the layout as being streets that are in the Canfield Green Apartment Complex?

A Yes.

Q Can you see where you were working that day?

A Yes.

Q Can you point to it so the jurors can see?

A (Indicating)

Q And the number where you are pointing is

A Yes.

Q Okay. So does this face, now, if this Canfield Drive, does the face Canfield

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Drive?

A Yes.

Q And is this a ?

A Yes.

Q Is the off of Canfield Drive?

A Yes.

Q All right. So did you have your, you can sit down now, thanks.

Did you have your own vehicle that day?

A Yes.

Q What kind of vehicle were you in?

A

Q And with your type of work, do you have things that you keep in that

A Correct.

Q Okay. And so you said that you were doing work that day, would you have occasion to have to come outside while you were working?

A Yes.

Q And where was your parked?

A It was parked in the , front face towards the .

Q So you pulled straight into the

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and the nose of your vehicle is facing the

A Yes.

Q Okay. And from the time you got there around that day, did you ever leave before the incident that we are here to testify about?

A No.

Q So from until something happened, was there anything else memorable about that morning?

A No.

Q And then something happened that you know why you are here to testify about. Can you just narrate for the jurors what is the first thing that you heard or saw that drew your attention?

A Well, first thing I saw was, I came outside to get that I needed. I was just finishing up the job. I came outside to get and I seen Mike Brown and his friend walking down the street closer to the curb, not on the sidewalk and my initial thought was with me being aware of my surroundings, they were walking towards me. My initial thought was wow, that is a big guy right there, and speaking on Mike Brown.

Q So let me stop you, did you know Mike Brown before that day?

A No.

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Q Had you ever seen him before?

A No.

Q And the other person that was with him, how would you describe him?

A Short. I just recognize, I really picked up on and drew in and focused on Mike Brown because he was such a big guy and, um, the only thing I can recall on his friend he was short, had dreads and with the color dye in his dreads and that was pretty much it.

Q So his short dreads were like tipped color; is that right?

A Yes, yes.

Q Okay. And so when you first saw them, were they walking like in the direction of the apartment complex or out of the complex?

A They were walking in the direction of the complex.

Q So they were walking this direction towards the complex?

A Yes.

Q And at this point, when you first saw them, were you near your ?

A Yes, I was actually in the back door of the , um, where it is closer to the sidewalk.

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And they were just coming up upon me and that's when I, me being aware of my surroundings, I just focused in on Mike Brown and his friend coming up close to me.

Q And so when you first saw them then, were they closer to West Florissant or were they past the ?

A They were closer, like really probably I would give it maybe within 10, 15 yard range of me.

Q And do you remember, other than their sizes, do you remember anything about their clothing that drew your attention?

A Yes, I remember Mike Brown, he had on flip flops, black, and his socks really drew attention. They were bright neon yellow with, it appeared to be marijuana symbols on them.

Q Okay. Anything else that you recall noticing about either one of them?

A Mike Brown had a St. Louis Cardinal hat on, red St. Louis Cardinal hat.

Q Okay.

A That was pretty much it.

Q Did you notice, were either of them carrying anything?

A No, I didn't notice that.

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Q Okay. Did you notice them doing anything like with each other, were they interacting in a way that drew your attention?

A No, they were just talking amongst each other.

Q So other than noticing, like you said, you are aware of your surroundings when you are working, so you see these two guys about 10, 15 feet or yards, I can't remember?

A Yards, yards.

Q 10 or 15 yards walking in your direction, did you feel threatened by their presence at all?

A I didn't feel threatened, I just, I don't know, I was just aware of my surroundings and just ready for, I'd rather be ready for anything that happens instead of being a surprise to me.

Q So you noticed that this one guy, and you now know the bigger guy's name is Michael Brown, correct?

A Correct.

Q Have you ever learned who the small, shorter guy was?

A Yes, through the media.

Q Okay. And so what do you know his name to be?

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A It is Mr. Johnson, I believe.

Q And so when you, when you saw them, did they just continue to walk in your direction down the street?

A Yes.

Q Did they stop and talk to you at all?

A No.

Q Did you wave at them or did you know if you made eye contact with them at all?

A No.

Q So did they pause or stop at all?

A No.

Q So they just continued to walk down the street?

A Correct.

Q Did it appear that they were walking casually, leisurely, in other words, or did they appear to be in a hurry?

A Just casual walking.

Q And at this point you said they were in the street?

A Yes, closer to the curb.

Q Close to the curb, but still in the street?

A Still in the street, yes.

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Q Are there sidewalks at that location by the

A Yes, yes.

Q And so they are in the street, but closer to the curb?

A Yes.

Q Were they walking in, I guess what I'm going to say, the correct lane of traffic. So in our country and you are driving on a two way street you stay to the right?

A Uh-huh.

Q So were they on the right side or were they walking like against the traffic?

A No, they were walking with the traffic.

Q Okay. And so how long did you see them or have them in your sight before you didn't see them any more?

A Um, I would say within maybe a minute or less. Like I said, I was just out getting, out retrieving my tools to go back in the to wrap it up. After they passed me, that's when I went into the .

Q Okay. So you took your or whatever, and went into the ?

A Yes.

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Q When is the next time you come outside?

A I forgot something, to get something out. I went out to get something else from the . I would say it was maybe within a two minute time span.

Q And what did you see or hear when you came out the second time?

A Well, when I came out the second time, the way the view of the is -- I guess I use the pointer?

Q Sure, you can use that.

A My is parked actually right here. The front door of the facing the street. I came out of the and when I came out walking towards the , this is still open right here because I did not drive all the way up .

So my view of sight as seeing the police car right.

Q If you need to get up to look at the names or anything, feel comfortable to do that.

A Okay. Police car was right about here. (indicating)

Q Okay. And so if Canfield Drive, I will describe that as a horseshoe, is that fair to say?

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A Yes.
Q The police car was like right in between the two legs of the horseshoe?
A Correct.
Q Which direction was it facing?
A It was facing towards me.
Q So it was facing West Florissant?
A Yes.
Q And was the car, police vehicle moving or was it still when you saw it?
A It was still, it was at a slight slant.
Q Okay. And so what then did you see happen?
A I seen Mike Brown was leaned over inside the police officer's window. I didn't see Mr. Johnson at any moment during this time.
Q So did you see where he went or anything?
A No.
Q So when you come back out, you don't see him?
A No.
Q You just see Mr. Brown?
A I just see Mr. Brown inside the police officer's window. It appeared as some sort of confrontation was taking place. After that, that

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took place for seconds, I'm not sure how long. I know that it appeared that some confrontation was taking place.

And one shot, the first shot was let loose and after the first shot, Mike Brown came out of the window and took off running.

With that happening, I thought instantly because the police officer didn't immediately react on how I would have thought it would have went down. Where he didn't immediately get out of his car and chase after Mike Brown.

So my initial thought was that wow, did I just witness this young guy kill a police officer.

So after that, Mike Brown ran some distance, the police officer exited his vehicle with his weapon drawn, pursuing Mike Brown, and I would say Mike Brown, he stopped right here. He was turning into this driveway right here, but he stopped right here.

The officer was already in pursuit of him. He stopped. He did turn, he did some sort of body gesture, I'm not sure what it was, but I know it was a body gesture. And I could say for sure he never put his hands up after he did his body

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gesture, he ran towards the officer full charge.

The officer fired several shots at him and to give an estimate, I would say roughly around five to six shots was fired at Mike Brown.

Mike Brown was still coming towards the officer and at this point I'm thinking, wow, is this officer missing Mike Brown at this close of a range.

Mike Brown continuously came forward in the charging motion and at some point, at one point he started to slow down and he came to a stop. And when he stopped, that's when the officer ceased fire and when he ceased fired, Mike Brown started to charge once more at him. When he charged once more, the officer returned fire with, I would say, give an estimate of three to four shots. And that's when Mike Brown finally collapsed right about even with this driveway. (indicating)

And during this whole time there was a blue Monte Carlo parked almost right where that car is while this altercation was taking place.

And the car drove around and stopped right here and when Mike Brown collapsed in the street, that's when his friend came out, I don't know out of what direction he came from. All I know

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is I seen him run across from in front of the squad car and he ran across and he stopped like evenly with the car that was parked right here and yelled, "he just killed him, he just killed him."

I'm not sure if he was speaking with the people that were in the car or if he knew them. He never leaned over to address them, he just yelled it. After he yelled it, he ran off through the back fields of Canfield.

Q All right. Now, I'm going to start at the beginning and we are going to kind of go through this a little bit and I'm going to ask you more detailed questions to clarify.

So from the time that you came outside, and you said you were at the back of your ?

A When I first seen Mike Brown.

Q Okay. The second time you came out, where exactly were you then?

A I was in front, actually, at the corner of the in front of the in front of my

Q Did you change your position during this entire scenario?

A No.

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Q Like did you run down towards the street or anything?
A No.
Q Did you run out into the street?
A No.
Q So you just stayed where you were?
A Yes.
Q And from where you were, did you have a line of sight where you could see, you described Michael Brown as actually coming to a point where he was almost turning onto Copper Creek Court?
A Yes.
Q Could you see that from where you were?
A Yes.
Q So when you first look down that street, you said you saw Michael Brown in the officer's window?
A Correct.
Q So describe for the jurors how, what you mean by that?
A Half of his body, his feet was still planted on the ground, his upper body was inside the window in a leaning motion inside the window, his upper body was inside.
Q Now so is that the first thing you see

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when you look that he's already got his upper body inside the car?

A Yes.

Q So anything that happened before that, you didn't --

A I never seen it.

Q -- witness? Did you hear tires squealing or anything?

A No.

Q Anybody screaming or yelling?

A No.

Q Okay. So when you saw that, what did you see, could you see into the windshield of the officer's car?

A No, I could just see him leaned over inside the officer's car.

Q So who's him?

A Mike Brown.

Q Okay. And so you said his head was inside the window?

A Yes.

Q His shoulders?

A Yes.

Q His upper body?

A Yes.

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Q Okay. And could you see the officer from that vantage point?

A No.

Q Could you see what was going on inside the car?

A Not really, no.

Q Can you see was the vehicle moving at all?

A No.

Q Was Mike Brown moving at all?

A It appeared to be.

Q Okay. And can you describe, I don't want to put the words in your mouth, I want you to describe what you saw when you say it appeared to be that he was moving?

A It appeared to be some sort of confrontation taking place in the vehicle. I couldn't make it out, I couldn't say who did what within that time span within that vehicle. All I know is that it just looked out of the norm with somebody being leaned over inside the police officer's car.

Q Okay. So did you hear anything, like yelling, were they yelling at each other or anybody yelling?

A No.

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Q Okay. So I can be clear on this, is it that you didn't hear anything or there wasn't yelling?

A I didn't hear anything.

Q Okay. And so you believed there was an altercation, is it a physical altercation or just a verbal altercation?

A For me I would think it was a physical with being, him being inside the vehicle.

Q Okay. And so, and then you said that went on for a few seconds?

A Yes.

Q And then you heard a gunshot?

A Yes.

Q Have you heard a gunshot before?

A Yes.

Q And you recognize that sound as a gunshot?

A Yes.

Q And how many gunshots did you hear at that point?

A One.

Q And then what did you say Mike Brown did at that point?

A At that point, he exited, he took hisself out of the vehicle, removed hisself from the vehicle

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and ran towards the complex, deeper into the complex.

Q So at the time that you heard that single gunshot, was Michael Brown's upper body, as you described, inside the police vehicle?

A Yes.

Q And so when he, how long after that shot does his body come out of the vehicle?

A Almost immediately.

Q Okay. And then how long after his body comes out of the vehicle does he turn and start to run?

A Immediately.

Q And then you said that it took sometime longer than you would have expected before the officer got out of his vehicle?

A Yes.

Q And can you give me just in your best estimate, are we talking seconds or minutes?

A No, seconds, maybe 10 to 15 seconds.

Q Okay. And do you remember what kind of vehicle this is?

A Yes, it is a truck, I think maybe a Tahoe like style, SUV.

Q A bigger SUV?

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A Yeah.

Q And so when the officer got out of his vehicle, did he get out from the driver's door?

A Yes.

Q And did he shut the driver's door do you recall or did he leave it open?

A I don't recall that.

Q And did you, did it appear to you, when you saw Mike Brown turn and run away, did you see any blood?

A No.

Q Did it appear to you in any way that he was somehow injured, Mike Brown?

A No.

Q Okay. When the officer gets out of his vehicle, did it look to you as if he was injured in any way?

A No.

Q Okay. And so how long, and you said now when he gets out of the vehicle, he has already got his gun drawn?

A Yes.

Q And when you say gun drawn, you mean out of his holster?

A Yes.

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Q In his hand?
A Yes.
Q And do you recall which hand?
A His right hand.
Q And when he first gets out of the vehicle, how long before he then starts to pursue, as you said, Michael Brown?
A He immediately starts to pursue.
Q And so as he begins to pursue him, can you describe his pace? You said Michael Brown was running, correct?
A Correct.
Q And how would you describe the officer's pace?
A Running.
Q And was he, what was he doing with his gun as he was running?
A Just carrying as he was running towards Mike Brown.
Q Okay. Can you stand up for a second and show me where, if you use your right hand and make like a gun thing with your right hand. How was he, when he was running, how was he, hand running, how was that gun?
A Like in a running, just as you run

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normally.

Q Okay. So he wasn't walking with the gun pointed in the direction of Michael Brown?

A No.

Q Or pointed in the direction of Michael Brown?

A No.

Q Okay. You can sit back down.

And so when the officer started running after Michael Brown, can you give me an estimate as to how far Michael Brown was ahead of the officer, in other words, he got a little bit of a head start, correct?

A Correct.

Q How far was he in front of the officer when the officer started running?

A I would say the police car is right here, so Mike Brown maybe was about this far before the officer exited his vehicle and within that time I would say the officer maybe was here when Mike Brown stopped there.

Q Okay. So you initially describe that when the officer got out of his vehicle, Mike Brown was close to where this like, this car is on this map?

A Yeah, I would say.

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Q More around Caddiefield Road?

A Yes.

Q Okay. And then the officer immediately pursues him and does Michael Brown continue to run down Canfield?

A Correct.

Q And then does the officer close the gap or do they remain, you know, do they remain that distance apart or does the officer close the gap?

A He starts to close the gap when Mike Brown stops right here. And I would say the officer is right at the D, for drive. (indicating)

Q Did you hear or see the officer fire his weapon as Mike Brown was running away?

A No.

Q Do you know, I don't want you to guess, other than maybe if you observed something that caused you to assume, but do you know why Mike Brown stopped and turned around?

A No, I'm not sure. That is something that I wrestle with to this day, I'm not sure. I'm not sure if he knew the people that was in that car and he thought maybe he had time to go back to wrestle with this officer. To this day, why would he turn around and not give himself up.

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Q And so during the time the officer is running after him, do you hear the officer saying anything?

A No.

Q And do you hear Mike Brown saying anything?

A No. I'm at a distance where I don't hear anything. All I can do is just see what's going on.

Q So you're not saying that there wasn't anything said, you just didn't hear anything?

A Correct.

Q Okay. And so now you testified that when Mike Brown gets to around the corner, or the corner of Canfield Drive and Copper Creek Court is where he turns around; is that right?

A Yes.

Q And does he, the whole time before he turns around, is he running the whole time?

A Yes.

Q Running with his back to where the officer is?

A Correct.

Q And then you say he turns around and what does the officer do when Michael Brown stops and turns around?

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A He stops.

Q So at that point, are they still the same distance or is it a little closer gap?

A The officer is right there, Mike Brown stops right there. (indicating)

Q And so you indicated that the officer was right about where the D or the abbreviation for drive on Canfield Drive would be?

A Correct.

Q And Mike Brown, you indicated, was maybe in the grassy area or even on the sidewalk?

A Correct.

Q At the corner of Copper Creek Court and Canfield Drive?

A Yes.

Q Okay. And then what did you see happen next after Mike Brown turned around, where were his hands?

A Down by his side.

Q Now, you indicate that he did some kind of body gesture?

A Correct.

Q And so, of course, you know that this has been a point that people have talked about, correct?

A Yes.

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Q Can you describe for them what you mean when you said you saw him do a body gesture. If you need to stand up to demonstrate, you can do that too?

A I can't say for sure what sort of body gesture, I cannot recall fully. All I know is it was not in a surrendering motion of I'm surrendering, putting my hands up or anything, I'm not sure. If it was like a shoulder shrug or him pulling his pants up, I'm not sure. I really don't want to speculate things and that's what I have to say for that.

Q Okay. So turn, Mike Brown turns around, makes that gesture, then how long before he then moves in the direction of the officer?

A Immediately after he did his body gesture, he came for force, full charge at the officer.

Q And full charge, I guess, is running?

A Correct.

Q And was he, could you hear him say anything or make any noise?

A No.

Q And is it because you were so far away you didn't hear anything or you saying that there was no noise?

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A No, I was so far away I could not hear anything.

Q Okay. And let me ask you this, how is your vision?

A Pretty good.

Q Okay. Do you wear glasses or contacts?

A No.

Q And how about your hearing, is that pretty good as well?

A Yes.

Q All right. And so as you then see Mike Brown begin to charge at the officer, how far does he get before you said the officer fires a number of shots?

A The officer is right here. I would say Mike Brown gets to right there, even with the car before the officer starts to fire.

Q Okay. And just for the record, when you say even with the car, we are talking about the car that's on this map?

A Yes.

Q That's in the map, it is just a random vehicle that happen to be on that street when they took this picture, correct?

A Correct.

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Q That car wasn't actually there that day?
A No.
Q Now, you have talked about there being a car in that vicinity?
A Correct.
Q Okay. But we're just talking about the car that's on the map?
A Yes.
Q So you say Mike Brown got about even with that white car that's on the map?
A Yes.
Q And then how many shots did you think you heard?
A Um, five to six shots.
Q All right. And could you see the officer with his gun in his hand?
A Yes.
Q Are you sure it was the officer that was firing?
A Yes.
Q And was he firing in the direction of Mike Brown?
A Yes.
Q And then you said at that point does Mike Brown continue to go forward or does he stop at that

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point?

A He continues to come forward.

Q And you made mention, I'm not sure if it was at that point, is it at this point that you thought oh, my God, he's missed him at that close range?

A Yes.

Q So when you heard those five or six shots, did you see any blood on Mike Brown that you could see?

A No.

Q Did you see him react in any way that might make you think that he was hit, like, you know, flinching or anything?

A It was more kind of a flinch, yes.

Q Okay.

A It was more of a flinch and, um, with my thoughts of, I thought he was missing him because me thinking if you get shot, you are going to go down. With those multiple shots and he was still standing, that's the reason why I thought he was missing.

Q Okay. And then, but you said he continued to come?

A Correct.

Q Did he slow his pace or did he, was he

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still at a charge?

A He gradually slowed his pace. And it became, it came to a stop and when he stopped, the officer ceased fire and he began to charge once more, and that's when the officer with fatal rounds.

Q So when he became, when he stopped, about how many seconds or fraction of seconds do you think it was before he began to charge again?

A I would give it maybe two seconds.

Q Okay. And then how far did you get on that, after stopping and then he's charging again, how far did he get about, if you can estimate feet, that's fine, or if you want to say how many steps he may have taken, that's fine too?

A Maybe five to six steps.

Q And then when he, you said, and then the officer began shooting again?

A Correct.

Q And about how many rounds do you think you heard then?

A Three to four.

Q You said that was the fatal rounds, did you see Mike Brown then --

A Collapse.

Q -- collapse onto the pavement?

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A Correct.
Q And did you, after he collapsed, did the officer continue to fire?
A No.
Q And did you see the officer, did he go up to Mike Brown's body at that point?
A At that point, something else had caught my attention, Mr. Johnson caught my attention at that time when he ran across the street.
Q Okay.
A Okay.
Q At that point you are not necessarily looking at the officer and Mike Brown, you are focusing on Mr. Johnson?
A Correct.
Q And you recognized him as the shorter guy who had been with Mike Brown that you had seen earlier?
A Yes.
Q And so you said he ran around like in front of the police vehicle?
A Correct.
Q And then ran toward this area where you said you had seen this car?
A Yes.

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Q And this was a car that had been over here?
A Yes.
Q And had pulled around this horseshoe driveway, correct?
A Correct.
Q Around Building Number 18?
A Correct.
Q And you heard Dorian Johnson say what?
A "He just killed him, he just killed him."
Q Okay. And then you said he then ran into the back of the complex, did you ever see him again?
A No.
Q Okay. Were you, what did you do after you saw that?
A After I saw that, I went into the I was working at, and told the what I just witnessed and stayed in for maybe minutes speaking with , and I came back out and that's when I seen they were taping off the scene.
Q So by the time you came back out, other police officers were there?
A Yes.
Q Was the police officer who was involved in

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the shooting, was his car still in the street?
A Yes.
Q And about, was it all Ferguson vehicle's at that point or was County already there?
A Ferguson.
Q And then did you stand outside and kind of watch what was going on for a while?
A Yeah, when I came back out, they were taping off the scene. I came back, I walked down here to right there where the body was pretty much even with that street. And I was just, just in shock and speaking with another resident. I don't know if was a resident, another that was out at the scene talking with
Q So you were speaking to somebody else who was just a bystander that was looking at what had happened?
A Correct.
Q You didn't know that person?
A No.
Q Did you later learn who it was?
A No.
Q Have you ever seen again?
A No.
Q Now, are you aware, I mean, did you notice

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that day that there were people with cell phones that were like filming or taping, not taping, we don't use tape, but recording what was going on while, the aftermath I'll call it?

A Yes.

Q Now, at some point in this investigation have officers involved in the investigation that you talked to, did they talk to you about whether or not

A No.

Q Okay.

A

Q

A

Q

A Yes.

Q And is it the aftermath, so it is after the shooting?

A Yes.

Q

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A Yes.

Q All right.

A

I did contact the FBI to figure out, um, what precautions I needed to take.

Q Okay. So now you mention that you talked to the police and gave a tape recorded interview after this incident, correct?

A Yes.

Q

A No.

Q

A Correct.

Q

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A Correct.
Q So when is the first time you talked to a police officer about having seen this?
A Monday, Monday.
Q So this happened on a Saturday, correct?
A Yes.
Q And immediately after you go back outside, there is other officers there?
A Uh-huh.
Q Why didn't you go up to an officer then and say, hey, I saw the whole thing or most of it?
A Because when I went down on the scene afterwards, speaking with that I was speaking to. I wasn't giving a thorough accounting on what I had witnessed to , I was, I couldn't say giving just a glimpse of what I witnessed because just observing the chaotic, how it got so chaotic so quick, and different point of views on, it didn't add up to what I actually witnessed.
I felt very uncomfortable and I say I would probably estimate I was down on the scene maybe five to ten minutes. And just observing everything and how the uproar became about so quickly.
I began to walk back towards the

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that I was working at and those that have their video recordings out, their camcorder out and they addressed to me, addressed me, And I proceeded on walking past them. And that's when they turned towards me and asked me

And continued walking past and at this point they are with the camera still, and they became violent and, um, one of the

That's because that's the way I felt at that time because with everybody down there feeling like, hey, he had his hands up. A lot of people didn't see what actually went down and what I saw.

So I then turned and walked back towards and that's when they started to yell racial slurs at me and it was just, it was

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just ignorant.

I felt uncomfortable, I fully felt uncomfortable when I actually did go forward to the police station because, um, I first called in Sunday after I seen all the rioting. I just felt bad about the situation.

I knew that I needed to come forward to let the truth be told. And after seeing the rioting, I called St. Louis County Police, I just called the 911 and they took down my information and, um, Monday morning I just felt like it wasn't, I was just going to be pushed to the side. So I felt like I needed to do more.

I called Ferguson Police Department, I had to leave a message there and I still wasn't settled about it.

So I went down to the police station and I felt uncomfortable then just walking past all the protesting that was going on, but I knew it was the right thing to do. It is an unfortunate situation, but I know God put me in this situation for a reason.

Q Now, Witness Number 10, you said that when you walked back, there were

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A

Q

A Yes.

Q Were these, did these appear to be people that just lived in the area or were they like reporters?

A They appeared to be people that lived in the area.

Q Okay. And did you know had you seen them before?

A No.

Q Ever seen them since?

A No.

Q Have you seen any recording of that incident where they had appeared to be recording you, have you seen that on the internet or anything?

A No,

Q

A

Q Okay. The person you were talking to earlier was not recording?

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A No, he was not.

Q It was somebody else?

A Yes.

Q

A Correct.

Q So when you were down after the shooting and the crowd begin to build, could you hear people saying words to the effect, he had his hands up, the police killed him, they didn't need to shoot him, that kind of stuff?

A Correct.

Q And is that the kind of things that you were hearing that you said made you feel uncomfortable?

A Correct.

Q And you came forward because you felt you had to do the right thing?

A Correct.

MS. ALIZADEH: Anybody at this point, Sheila?

A I came forward to bring closure to the family and also for the police officer because, um, with me knowing actually what happened, um, and I know it is going to be a hard case and a hard thing

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to prove with so many people that's saying the opposite of what I actually seen. I just wanted to bring closure to the family not thinking that hey, this is, they got away with murdering my son.

I do know that there is corruption in some police departments and I believe that this was not the case. And I just wanted to bring closure to the family.

Q Now, Number 10, do you live in Ferguson?

A No.

Q Okay. Have you ever had any experiences with the Ferguson Police Department?

A No.

Q Do you know any Ferguson police officers?

A No.

Q Did you know this police officer that was involved in the shooting?

A No.

Q Did you know Michael Brown's family or any of his relatives before this?

A Um, yes, I did. It came about when I was standing outside during the aftermath, I recognized his stepfather, Michael Brown's stepfather. At that moment it didn't really sink in, I thought I recognized him at that moment, but it came about

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when I seen it in the papers, his name and that just confirmed that was him. But I haven't reached out and talked to him or anything.

Q All right. Michael Brown's stepfather, would you consider him a friend of yours?

A No.

Q You just know him?

A Yes.

Q And you haven't talked to any of the family members of Michael Brown since this happened?

A No.

Q (By Ms. Whirley) With the stepfather, how did you know him?

A (Redacted)

MS. ALIZADEH: Just hang on a second.

MS. WHIRLEY: Well, let me ask it another way.

MS. ALIZADEH: Hang on a second. Did you have something?

If you will excuse me, I don't know if you have a question you want to ask me?

MS WHIRLEY: Knowing the stepfather, was there a bad relationship or anything negative about that.

A No.

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MS WHIRLEY: Okay. Now, could you put a mark, not necessarily a mark, but use that pointer and show us one more time where you were when the first time you saw shots fired?

A on the corner.

Q (By Ms. Whirley) And you were standing there?

A Yes.

Q And shots were being fired where, show us that on the map?

A The truck was right about here. (indicating)

Q How far away would you say that distance is?

A I would give it 50 to 75 yards.

Q Yards, okay. And when the officer first got out of the car, you said, was his gun drawn or not?

A When he first got out of car, yes, his guns was already drawn.

Q His gun was drawn?

A Yes.

Q As he ran pursuing Michael Brown, he was not shooting, I recall you saying that, correct?

A Yes, correct.

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Q Michael Brown turns around and starts charging him, you said that's when the shooting started?

A Correct.

Q You couldn't hear what they were saying?

A No, ma'am.

Q When you say charge, could you demonstrate what you saw? Show us what you mean by charging?

A (Indicating.)

Q Like running toward him quickly?

A Yes, in a tackle motion charge.

Q Okay. What was he doing with his hands?

A As a normal --

Q You could see his hands?

A Yes.

Q Did you ever see a weapon or anything?

A No. When he first ran from the car, I did, that's the only time I did hear something. I thought I heard something metallic hit the ground. I'm not sure what it was, that's the only time I did hear something.

Q Now, when did you hear that?

A When Mike Brown came from out of the vehicle and ran.

Q Okay. You could hear that, but you

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couldn't hear what they were saying?

A No.

Q And you never heard any conversation between the officer and Mike Brown?

A No.

Q So when he stopped after the first round of gunfire and turned around, you said he charged and then the officer shot again or was that the first round once he charged?

A The first round was when he was in the car.

MS WHIRLEY: Okay.

A And after that, Mike Brown, he followed pursuit of Mike Brown and Mike Brown stops and turns and did some sort of body gesture and charged at the officer. And that's when the second firing session took place.

MS WHIRLEY: And after the first, not the first shot in the car, but when he charged him and the shots were fired, you said Mike Brown flinched as if he might have been hit?

A Correct.

MS WHIRLEY: Okay. But he still charged in the same manner that you showed us?

A He started, he like, I don't know he was

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flinching, but still in a charge motion.

MS WHIRLEY: Was it slower or any different?

A It appeared to be a slight difference.

MS WHIRLEY: Like maybe he was hit, that was your impression?

A Yes, but at that time I'm not sure. I thought he wasn't being hit because with me, with my thoughts was if you are being hit that you are going to fall or show some sort of I'm hit besides a flinch. That appeared to me, I don't know, dodging or hit, I'm not sure.

MS. WHIRLEY: And can you show us, you said that after he charged him a second time, he was charging slower that time, but still charging, correct?

A Correct.

MS. WHIRLEY: You said he collapsed, Mike Brown collapsed after that second round or shot, I don't mean the one in the car, I guess it is the third round, third time he is shooting he collapsed?

A Correct.

MS WHIRLEY: I don't want you to fall on the ground or anything, I want you to like show us like what he was doing with his hands as he was

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collapsing.

A I cannot recall that. I just know he collapsed.

MS WHIRLEY: Okay. You didn't really, you couldn't see his hands when he was collapsing?

A I can't recall that.

MS WHIRLEY: Okay.

A I know he was coming in a charging motion still and the final rounds were being fired within a charging motion and that's when he collapsed.

MS WHIRLEY: But you didn't see his hands when he was collapsing or you don't remember seeing his hands when he was collapsing.

A I did not see that. All I seen was the charging motion and him being, coming as a threat. And the final shots were fired and he collapsed, that's all I seen was the collapse.

MS WHIRLEY: Was there anything blocking your vision of seeing his hands when he was collapsing?

A No.

MS WHIRLEY: You just don't remember seeing his hands?

A No.

MS WHIRLEY: Okay. Can you show us on the

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map how close you were to Dorian Johnson, show us where you were and where Dorian Johnson was when he said, "they killed him, they kill him."

A Okay. I was still right there at the corner of the And Dorian Johnson came from somewhere over this way, and only reason why I know that is because he had to cross the street and it was in front of the squad car. So he came from over this way and -- (indicating)

MS WHIRLEY: And that's where he was, show us, where was Dorian when he is saying, "they killed him?"

A Right there. (indicating)

MS WHIRLEY: Right there.

A Yes.

MS WHIRLEY: Where was the police officer and Mike Brown when they first started the pursuit, the same general area?

A Yes.

MS WHIRLEY: But you couldn't hear Mike Brown and the police officer saying anything?

A No, that's because, Dorian, he was yelling it, like he just seen his friend die and he was just yelling it loud.

MS WHIRLEY: And the police officer wasn't

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yelling at Mike Brown as he was pursuing him?

A I'm not sure, I couldn't hear.

MS WHIRLEY: You couldn't hear anything?

A No.

MS WHIRLEY: Okay.

A

MS WHIRLEY:

A Yes.

MS WHIRLEY: Saying some stuff, what were you saying?

A I was saying that, um, he charged him, he charged at him. The officer already had his gun drawn on him and he charged at him and he shot at him at least five to six times. And the seemed to be surprised when he asked who shot him, I said the police did.

MS WHIRLEY: All right. That's all I have right now.

: I have a couple questions, of course, You said that they were violent, the that were asking you about it afterwards, that they became violent. Did

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they become violent towards you, in their words, in their actions?

A Verbal.

Verbal.

A Verbal.

: Verbal?

A Yes.

: They called you names?

A Yes.

: You said you heard a sound that was like metallic hitting the ground, you don't know just because I know my friends, you don't know that anything hit the ground, that's just what it sounded like to you?

A Yes, correct.

: When he was collapsing you said you couldn't see his hands, that doesn't mean you couldn't see his arms, correct? You could tell the difference between him having his hands up?

A Correct.

And him having his arms down. Just because you couldn't see his hands, doesn't mean you couldn't see where they were?

A Correct.

Okay. And you said

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earlier that you didn't see anything in anyone's hands as far as Mr. Johnson or Mr. Brown?

A Correct, when I first saw him.

: When you first saw them?

A Yes.

: But you also said it is because you were focused on their --

A On their appearance.

: On their appearance and your surroundings?

A Yes.

: You're not saying that they didn't have anything in their hand, you just didn't see it?

A Correct.

: Okay. If I could dovetail off of 's original question about the violence that was directed to you. If I could ask you just a personal question, are you ?

A Yes.

: You are, okay.

A Yes.

: And this is like bringing

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an extra level of conflict for you to come forward?

A Um, not really. Within my family that's about it. They fear for my safety or our family's safety, that's about it.

You said that there were some racial epithets directed towards you, is there anything that you can, you feel comfortable telling us that was directed to, what was said to you?

A Um, they said you , they called me a , and just racial slurs.

: Did you at any time, if I could ask, did you express the fact that you're ?

A No.

: You did not?

A No, I just ignored it and kept walking because I didn't want it to just blow up to something even more because it is already tension in the air.

: Okay, thank you.

A No problem.

. In your opinion, let's go back to the times when Michael Brown stopped and turned around and allegedly began

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to charge the police officer, is it in your opinion, do you believe the police officer's life was potentially in jeopardy at this point?

A Yes.

: Thank you.

MS. ALIZADEH: Anyone else have a question?

. Could you describe what vehicles were in the area while this was going on, were there cars lined up behind the police vehicle and you said that Dorian ran to a vehicle that had been on the other side and then drove around?

A There was only one vehicle on the street within that distance between where the incident took place, and that was the vehicle, a little Monte Carlo and it came around after, I want to say when the officer, before the officer fired, I mean not fired, but I'm not sure at what point, I can pinpoint at what point that they came around, but they did drive around, come out of the, this curb and drive around and stop right there.

Okay, thank you.

MS. ALIZADEH: Can I clarify, I just want to ask you. You said it was a Monte Carlo?

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A Correct.

MS. ALIZADEH: Are you good about recognizing makes and models of cars?

A Uh, yes.

MS. ALIZADEH: Have you ever had a Monte Carlo?

A No.

MS. ALIZADEH: When you say it was blue, are we talking dark blue, baby blue, do you recall?

A I cannot recall as far as the deep blue or any of that, I know it was a newer Monte Carlo.

MS. ALIZADEH: And you saw, that's the only car you remember seeing there is a blue Monte Carlo?

A Correct.

MS. ALIZADEH: Okay.

: . Um, let's go back to when you initially saw the struggle with Michael Brown inside the car, where was Dorian or could you tell where he was when this was going on?

A No. Like I said, I did not see Dorian Johnson, um, after the fact, after Michael Brown was collapsed in the street, and that's when he came across the street in front of the squad car and stopped right about there and yelled that he just

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killed him. That's the only time after first had initial contact, well, not contact, but sight of Dorian Johnson.

: So did you ever see anything in Michael Brown's hands or Dorian's hand, I know you said initially when they came around the house, you didn't see anything, but what about during the struggle, did you ever see anything in their hands?

A No.

: Okay. And you said you heard one gunshot at the car?

A Correct.

: And the rest were --

A Down.

: Down the road or whatever?

A Yes.

MS. ALIZADEH: Anyone else have any questions?

So Witness Number 10, thank you for appearing. If at any time in the future this grand jury has additional questions for you, would it be all right for me to contact you?

A Yes.

MS. ALIZADEH: That will end the testimony

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of Witness Number 10.

(End of the testimony of Witness 10.)

MS. ALIZADEH: This is Kathi Alizadeh, it is 1:33 p.m. on September 23rd. The grand jurors are all 12 present, as well as myself and Sheila Whirley and the court reporter who is taking down everything.

We had a witness who was here and in the waiting room.

MS WHIRLEY: We did have one witness, and is her name and we may play some of that information because you had asked about . We were here, we were running behind and she left. I contacted, I tried to contact her to get her back here and I'm not sure if she was running too late for work or what, but we're going to have to likely reschedule her because we also have a 2:30 timeframe we are working with too.

So she's not going, you're not going to hear from her, we were hoping to do it today. In light of that, what we are going to do is let you hear the recording from --

MS. ALIZADEH: Witness Number 10.

MS. WHIRLEY: Witness Number 10, thank you. And then if we have enough time, you will hear

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s recorded statement and then when see her, you will match the two together, all right.

MS. ALIZADEH: All right. So at this time I'm going to pass out a transcript of an interview that was conducted on August 11th by the County Police Department and it is the interview of Witness Number 10. And for that reason, again, we will pause the audio recording that the court reporter is doing right now while we are playing the statement.

The statement is contained on Grand Juror Number 24.

As soon as you say we are ready, we will turn off the audio recording that is happening now and play the recorded statement of Witness Number 10.

Okay. Would you turn off the audio recording at this time.

(This is the recorded statement of Witness Number 10.)

DETECTIVE : This is Detective with the St. Louis County Police Department's Bureau of Crimes Against Persons, . Also present with me is Detective of the Bureau of Crimes Against Persons and we are at the City of Ferguson Police

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Department in an interview room Mister, would you say your name for the recorder, please?

WITNESS 10: (Redacted)

DETECTIVE : Okay. And (redacted) obviously, you realize this is being recorded, correct?

WITNESS 10: Correct.

DETECTIVE Okay. And you're okay with that?

WITNESS 10: Yes.

DETECTIVE Okay. And this is in reference to St. Louis County Complaint Number 14-43984 and Ferguson Police Department Complaint Number 14-12391, which is an incident that occurred on Canfield Drive on August 9th, 2014.

(Redacted), I'm going to get a little bit of information from you here, okay? (redacted)

WITNESS 10: Correct.

DETECTIVE : Okay. And spell your last name?

WITNESS 10: (Redacted)

DETECTIVE Just like the What is your date of birth?

WITNESS 10: (Redacted)

DETECTIVE : What is your home

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address?
WITNESS 10: (Redacted)
DETECTIVE : (Redacted)
WITNESS 10: (Redacted)
DETECTIVE : And where's that at?
WITNESS 10: (Redacted)
DETECTIVE : (Redacted)
WITNESS 10: (Redacted)
DETECTIVE : And what's your cell phone.
WITNESS 10: (Redacted)
DETECTIVE : (Redacted)
WITNESS 10: Yes.
DETECTIVE : And your social security number?
WITNESS 10: (Redacted)
DETECTIVE : (Redacted)
WITNESS 10: (Redacted)
DETECTIVE : (Redacted)
WITNESS 10: Yes.
DETECTIVE : And you're employed where.
WITNESS 10: (Redacted)
DETECTIVE : As a ?
WITNESS 10: Yes.

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DETECTIVE : Is there a business address for that?

WITNESS 10: Um, this is the address, but I don't, I'm not sure.

DETECTIVE : Okay. You know a phone number?

WITNESS 10: (Redacted)

DETECTIVE : (Redacted)

WITNESS 10: Right where the are at. Where, um, say you get off of --

DETECTIVE : there.

WITNESS 10: (Redacted)

DETECTIVE : Okay.

WITNESS 10: Right before you go down the

DETECTIVE (Redacted)

WITNESS 10: Yeah.

DETECTIVE Okay. Um, do you have a phone number?

WITNESS 10: Is --

DETECTIVE : For employer.

WITNESS 10: For -- for -- for -- let me see. Let me see if I can pull it up.

DETECTIVE : (Redacted) What is your middle initial?

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WITNESS 10: (Redacted)
DETECTIVE Okay.
WITNESS 10: I thought I had the office in here. I ain't seeing it.
DETECTIVE That's okay.
WITNESS 10: All right.
DETECTIVE Okay. So, um, we received a call from Ferguson saying that you were here and did you come here --
WITNESS 10: Yes, voluntarily.
DETECTIVE -- okay, okay. You came here on your own?
WITNESS 10: Yes.
DETECTIVE And who did you talk to initially?
WITNESS 10: Um, I'm not sure. It's a police officer outside.
DETECTIVE : Okay. And what did you tell that officer?
WITNESS 10: I need to -- to speak with someone about the, um, ongoing investigation about, um, what happened, at Canfield to Mr. Brown.
DETECTIVE : Okay. So after that, I'm assuming they escorted you --
WITNESS 10: Yes.

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DETECTIVE : -- into the building then and you -- you waited for us; is that right?

WITNESS 10: Yes.

DETECTIVE : Okay. Um, would you please retell, and I'm just going to set the recorder over there. Would you please just retell your account of a, were you present when it happened or --

WITNESS 10: Yes.

DETECTIVE : Okay. Would you just retell your account of what took place?

WITNESS 10: Okay. Um, well, I walked out, I was working at a right where Canfield meets . The was actually on the on, it would be, I would be facing, the police car would be facing towards me and the

right there

DETECTIVE So, just so I understand, uh, what you're saying, Canfield Apartments, Canfield by in large runs east and west, okay. If you were to travel west, uh, out of, on Canfield, you would run into West Florissant.

WITNESS 10: Okay.

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DETECTIVE : Before you run into West Florissant, you run into a area of ?

WITNESS 10: Correct.

DETECTIVE So is that the area that you were working on.

WITNESS 10: Yes, I was working on the, the on your, if you were traveling east and going into Canfield, would be on your .

DETECTIVE : So --

WITNESS 10: The that's, well, the considering you're going into Canfield. It would be the and it's an And the police, um, as I was saying, I was going, I was working at that and I walked outside. I seen the two young guys walking down the street on the same sidewalk I was on and --

DETECTIVE Can I clarify just a couple things? Roughly what time was this?

WITNESS 10: Roughly, I want to say 8:40, I mean not 8:40, 11:40, 11:40 is when that, when I first seen these two guys. And my initial thought was, wow that's a big dude because Mr. Brown, Mike

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Brown. My initial thought was he's a big guy. He's tall and like stocky build, and that's it.

He -- he, they both walked past me. I took went into I came back outside to get some more stuff and I looked down the street and I seen the police car at a slant and I seen Mr. Brown in the window of the police car. It looked, it appeared as they were wrestling through the window. And one gunshot had let off and Mr. Brown took off running.

And my first thought was like, oh, my gosh, did I actually just witness a police officer being murdered because it took a while for the police officer to get out of the car and pursue the suspect.

And I want to say maybe six seconds, but it seemed like it was forever after the -- the first gunshot. So the police officer exited the vehicle with his weapon drawn, pursuing Mr. Brown. Mr. Brown was quite a distance and he stopped. And when he stopped, he didn't get down on the ground or anything, he turned around and he did some type of movement. I never seen him put his hands up or anything. I can't recall the movement that he did. I'm not sure if he pulled his pants up or whatever

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he did, but I seen some type of movement and he started charging towards the police officer.

The police officer then returned fire, not returned fire, open fire on Mr. Brown. Um, if I had to guess, the shots and, um, the distance between him and Mr. Brown, it would have to be five to ten yards.

And the shots that were fired was four, five or six shots fired, and Mr. Brown was still standing up. Um, and my thoughts was wow, he's missing this guy this close, is he hitting him or because Mr. Brown there was no reaction from him to show that he was being hit.

Um, after that, Mr. Brown then paused, he -- he -- he stopped running and when he stopped running, the police officer stopped firing. And then Mr. Brown continued, started again to charge towards him and after that, the police officer returned fire and, um, well, not returned, I'm using the wrong term, he started to fire once more at him.

Um, if I had to guess the rounds that were fired then, it would be four to five more shots. And after that, Mr. Brown collapsed and fell to the ground.

DETECTIVE : Okay. What happened

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then?

WITNESS 10: Um, what happened then after that, um, I didn't see, it was, it was a blue Monte Carlo, a newer model Monte Carlo two door. Um, it was closer to the scene where the shooting was at, that occurred. They then drove off and made a -- a left into the apartments and drove around the apartment and then came and stopped.

And, um, Mr. Brown's friend that he was walking with earlier, I didn't see him the whole time that, um, this was all going on with a confrontation with the police and the shooting and everything.

At the end, after Mr. Brown had dropped, and, um, I seen the, his friend come out of nowhere and run across the street. And, um, said that Dog, they -- they just killed him, they just killed him, and he ran the back fields of Canfield, the back open field.

And, um, I must say that also after the, um, confrontation, after the gunshot when Mr. Brown did run, I thought I heard something metal hit the ground. And I'm not sure what it was, but I thought I heard something hit the ground.

And, um, after that, I believe, I'm not

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sure, um, if I went in to go tell the people that I was working with that I just -- what I witnessed. And I came back out and they were taping the scene off and I decided, I went down there closer to where the body was and I stayed down there for maybe ten, five to ten minutes. And I was speaking with the that was down there on the scene. I was telling what happened and after me telling what happened and I'm hearing everybody, their side of the story, oh, the police officer shot that kid for no reason. He had his hands up.

And me knowing and seeing what actually took place, that wasn't true. And there was different sides to the story, and every side it wasn't true. I felt uncomfortable in that situation, so I decided to walk back to I was at originally at.

And, um, while I was walking to the had a video camera and they turned towards me asking me, um,

But I don't think they heard me what I had told the earlier. And I responded as and just kept walking.

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And they still on just still video recording me and saying, um, I responded,

.

And after that, they -- they became, uh, in an aggressive tone and um, was saying, um, just called me other names, racial and racist slurs to me.

And that whole time, well, before they yelled the racial slurs, I yelled, um, back to them, I said,

And after that, I just left it and went on my way.

DETECTIVE Okay. I'm going to go back and just ask you a couple clarifying questions, okay.

Um, so, I guess, so let's first start off, who were you working with, uh, that day?

WITNESS 10: I was working, um, for

And, um, I'm not sure of

um, that was there. I was hired as a

to come in and do

.

DETECTIVE : So will you, was, you were not working for (redacted) that day?

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WITNESS 10: No, no.
DETECTIVE You were doing kind of a side job?
WITNESS 10: Yeah, doing a side job, yeah.
DETECTIVE Okay. And did you have anybody with you that you were working with that day?
WITNESS 10: No.
DETECTIVE Okay. I guess when you say you went in, oh, when you said you went in to tell the people you were working with --
WITNESS 10: Yeah.
DETECTIVE -- you meant tell the people --
WITNESS 10: That -- that was the .
DETECTIVE : I gotcha. Okay. Who were the there.
WITNESS 10: Like I say, I'm not sure what their names are.
DETECTIVE Was it a female, a male?
WITNESS 10: It was a
DETECTIVE Okay. And then, um, you said that you saw, uh, two guys walking down the

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street, right?

WITNESS 10: Yeah.

DETECTIVE Do you remember what they were wearing?

WITNESS 10: Um, if I'm not mistaken, Mr. Brown had a tan, tan pants, a red hat, flip flops, it might have, may have been tan shorts, yeah, it had to be tan shorts. Because I'm not sure of the color, I know they were shorts because his socks drew my attention because they were bright yellow and, um, black, looked like marijuana leafs. And, um, he had a red hat on. I'm not sure of the shirt.

And his friend that was walking with, I'm not sure what he was wearing, the only thing I can pick up from him was he had, um, smaller dreads that were, looked like the tips of the dreads was dyed, uh, like a bleach, bleach dyed or whatnot.

DETECTIVE And so, um, Michael Brown was the one that you thought to yourself, um, that's a big guy?

WITNESS 10: Yeah, it is.

DETECTIVE Is that right?

WITNESS 10: Yeah.

DETECTIVE : Okay. And which way

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were they walking?

WITNESS 10: They were walking, you said west, would be out to West Florissant?

DETECTIVE West, yeah, it's towards West Florissant. East is towards the complex.

WITNESS 10: Okay. So east, yeah, east. They were walking east when I first, yeah, when I seen them.

DETECTIVE How far away were they when you first saw them?

WITNESS 10: Um, when I first saw them, I mean, I could have shook the guys' hand if I wanted to.

DETECTIVE : Okay.

WITNESS 10: That's how close they were.

DETECTIVE : Okay. Do you know either of these guys?

WITNESS 10: No.

DETECTIVE : Okay. Had you ever seen them, one of them before?

WITNESS 10: No.

DETECTIVE Okay. Uh, so they're walking east and I don't, if I say something that's incorrect, please correct me, okay?

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WITNESS 10: Uh-huh.
DETECTIVE : They're walking east essentially in front of that you're working at?
WITNESS 10: Yes.
DETECTIVE : They continue east into the complex?
WITNESS 10: Yes.
DETECTIVE Okay. And you said you went inside to drop off equipment?
WITNESS 10: Yes.
DETECTIVE : Okay. And then when you come back outside, right?
WITNESS 10: Uh-huh.
DETECTIVE : You, if your, if you are working on is on the side, if you look to your then, it would be, you would be looking into the complex; is that right?
WITNESS 10: Yes, I would be looking into the east, east.
DETECTIVE : Into the complex?
WITNESS 10: Yeah, yeah.
DETECTIVE : or to the would be looking into the complex?
WITNESS 10: Yeah, yeah.

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DETECTIVE Okay. And approximately how far away were you at to where you saw that police car at?

WITNESS 10: Okay, distance wise --

DETECTIVE : And if you don't know, you know --

WITNESS 10: It's a guess maybe, 100 yards I would say, maybe less.

DETECTIVE : Okay, all right. So you look and you see the police car and where is the police car at?

WITNESS 10: It is in the middle of the street at a slant.

DETECTIVE : Okay. And what kind of car is it, do you know?

WITNESS 10: It's, um, I'm not sure what type of car, but I know it is a truck, it's a truck.

DETECTIVE Okay. Um --

WITNESS 10: Maybe like Suburban style or that, a long truck, SUV.

DETECTIVE And that truck that's parked at a slant would be facing which direction?

WITNESS 10: It would be facing west.

DETECTIVE : West, okay. And explain to me again what you see at that point?

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WITNESS 10: I see Mr. Brown leaned over inside the police car, um, at maybe, I see his back at his, um, probably below you, what you call, like under your armpit.

DETECTIVE Beneath your armpits?

WITNESS 10: Yeah, a little bit deeper than, right below your armpits. That's how much of his body is inside the car.

DETECTIVE : Okay. So you, when you, you were using your hands, you went here and then you kind of went here, which --

WITNESS 10: Like when I seen this much of his body outside the car, so the rest of his body from here up is inside the car.

DETECTIVE : Okay. And just for the purposes of the recording, uh, so his feet are where?

A On the ground.

DETECTIVE : Okay. And he is standing, uh, where at?

WITNESS 10: At the, uh, driver's door --

DETECTIVE : Okay.

WITNESS 10: -- of the police car.

DETECTIVE His feet are on the ground, he's at the driver's door of the police car.

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WITNESS 10: Yeah.
DETECTIVE : And, uh, he's leaning?
WITNESS 10: Inside the window.
DETECTIVE Instead the -- the.
WITNESS 10: The police car.
DETECTIVE : Which, which window?
WITNESS 10: The driver's window.
DETECTIVE : Okay. So he's leaning inside the driver's side window. And -- and -- and I'm not, obviously, I don't expect any of this to be exact, you know, down to the millimeter.
WITNESS 10: Uh-huh.
DETECTIVE : But roughly armpit or maybe a little bit lower?
WITNESS 10: Yeah.
DETECTIVE That upper portion of his body is in the -- the window, is that a fair statement?
WITNESS 10: Yes.
DETECTIVE : Okay. And so, uh, is the door opened, closed?
WITNESS 10: No, the door is completely closed.
DETECTIVE Okay. And, uh, do you see anybody in the driver's seat of that car?

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WITNESS 10: I -- I couldn't make it out, I couldn't. All I seen was Mr. Brown's body.

DETECTIVE Okay. And what was his body doing.

WITNESS 10: At that distance, I -- I -- I couldn't tell. It looked like a confrontation and all I could assume it was some type of confrontation was going on in that car.

DETECTIVE Okay. Why -- why did you assume there was a confrontation?

WITNESS 10: Because afterwards the gunshot, there was a gunshot, one gunshot, and he -- he ran off.

DETECTIVE : Okay. So, and again, please correct me if I'm saying anything that even remotely doesn't reflect what you're saying, I just want to make sure I understand, okay?

You see him in the car, you can't necessarily tell what's going on, but after hearing the gunshot and you seeing him run off, you make an assumption that there's some sort of confrontation or conflict inside the car, right?

A Yes.

DETECTIVE Okay. So how, roughly how long do you think that he is, that Michael Brown

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is in the car?

WITNESS 10: Um, maybe at least ten seconds from what I seen.

MS WHIRLEY: All right. It's at 2041, the recording. We are going to stop the recording because the witness is here and we would like to get her on because we have time constraints.

Now is here and we wanted to bring on her testimony. We'll look at her statements later because of our time this afternoon, but I will go get her, and I don't know exactly what time it is now, what time do you have? It is about 1:59 p.m. Is he going to keep recording?

MS. ALIZADEH: Yes, and I just wanted to say because we weren't recording at the time, we interrupted the statement of Witness 10 because of the next witness being here. What did you start it, where did you say you stopped it?

MS WHIRLEY: At 2041.

MS. ALIZADEH: I'll make a note that I have to fix that.

So we are going to just bring the next witness in who needs to leave.

,

of lawful age, having been first duly sworn to

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testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q I'm Sheila Whirley, and Kathi Alizadeh is also present, the grand jurors are present, and the court reporter, introduce yourself to the grand jurors, please?

A I'm .

Q All right, . Could you spell your name and speak louder for us?

A ,

Q All right. And that microphone is not going to amplify your voice or make it louder, it is just recording, so try to talk sort of loud like me, please?

A I'm sorry, I'm soft spoken.

Q Okay. You know why we are here today, ?

A Yes, I do.

Q Tell us where you live in general, you don't have to give your exact address unless you

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want to?

A I live in .

Q All right. Now, you recall August the 9th of 2014, correct?

A Yes.

Q It was a Saturday?

A Yes.

Q You had occasion to be at Canfield Green?

A Yes.

Q Is that right? And does this map look familiar?

A Yes, that's the Canfield Green Apartments.

Q That's the complex?

A Yes.

Q Represented on that map, and that's Grand Juror Exhibit Number 25 for purposes of identification. What time of day was it that you went to Canfield?

A It was around noon-ish whenever I went. I was supposed to be there a little earlier, I ended up there at noon to pick up she works for me.

Q Okay. So you were picking up an employee?

A Yes.

Q What do you do for a living?

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A I do marketing.
Q And are you a supervisor?
A Yes, I have a marketing firm on
.
Q It is your firm?
A Yes.
Q Okay. How many employees do you have?
A Right now I have three.
Q And was one of them?
A Yes.
Q Okay. And you said her name was how do spell that?
A .
Q What's her last name?
A .
Q Can you spell that?
A , .
Q , , okay. So you are picking up and she lived in Canfield Green?
A Yes.
Q Do you recall her address?
A I don't.
Q Okay. Can you see on this map, there should be a pen there that you would operate, you

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see how it works?

A Yes.

Q Could you point on the map where lived, first of all, do you know where she lived looking at the map?

A Yes, she lives right here, this apartment right here. (indicating)

Q ?

A Yes.

Q Okay. Is that Canfield Drive?

A Yes, Canfield Drive.

Q And coming to pick her up that day, did you call her first or did you she know what time you were coming?

A I called her. I called her when I was on my way and I called her as I was coming down the street right when I turned onto Canfield is when I started calling her.

Q So when you were coming this way you called her?

A Yes.

Q And did you talk to her?

A No.

Q What happened, did you leave her a message?

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A No, so as I was pulling up and I'm calling her phone, that's whenever I heard the tires squeaking as I was turning. As I get closer, I see a cop and the kid wrestling through the window.

Q Okay. So when you say you called her, but you didn't talk to her, what happened in that call? Did you just hang up, that's what I'm trying to figure out?

A Yeah, I hung up the phone like, so I'm trying to call her and when I see this, I start going through my phone forgetting I'm on the call, trying to get to my camera. And I never spoke with her at all. By the time I look back at my phone again, it was disconnected, the call had disconnected.

Q Did you get to your camera?

A No.

Q Okay. Did you record any of this, you know, what we are talking about, the shooting of Michael Brown?

A No, I didn't record any of shooting. I recorded right after it happened.

Q So tell us again, you are driving down Canfield Drive and what do you hear?

A I hear tires squeaking.

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Q And then what?

A I didn't see anything at that time, but as I get closer coming around this curve on Canfield, I see the cop's SUV in the middle of the street and the kid wrestling through the window with the cop.

Q And show us on that map where, Grand Jury Exhibit 25, where approximately you saw the police car?

A Okay. The police car was right here, in this area right here. (indicating)

Q Do you know which way it was facing?

A It was facing, coming the way that I was coming. So it was facing going that away and I was going that way.

MS. ALIZADEH: Let me ask, I think Sheila at one point you made it look like she was going on a certain direction, which direction were you traveling?

A Is it okay if I can stand up?

MS WHIRLEY: Yeah, please.

A I was coming in on this direction, I was coming in through this way.

MS. ALIZADEH: Okay.

A The car was facing going that way, I don't know if it is east or west.

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MS WHIRLEY: Okay.

Q (By Ms. Whirley) So what street is this out here that you came off of to get onto Canfield Drive?

A West Florissant.

Q West Florissant, okay. So you are coming from West Florissant traveling east on Canfield Drive?

A Yes.

Q And the police car was facing west?

A Yes.

Q And it was, was it straight or what was the, how was it situated?

A It was kind of catty-corner, it wasn't straight, it was like a little over both sides of the line, yellow line.

Q Okay, all right. Kind of in the middle of the street?

A Yeah.

Q Tell us what you saw again?

A I saw the cop and the kid kind of like wrestling through the window, it was like a tug of war. The kid was kind of pulling out the, cop was pulling in, like it was like going back and forth.

Q When you say the kid, who are you

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referring to?

A Michael Brown.

Q You know that is who it is, Michael Brown?

A Yes.

Q Had you known Michael Brown before this day?

A No.

Q Had you ever met him?

A No.

Q Ever seen him?

A No.

Q Had you been to this Canfield Green complex before?

A Yeah, I picked up a lot there since she's moving, she's only been there over a month. I picked her up a few times and dropped her off at home.

Q She had only been living there approximately a month?

A Yeah.

Q You had known her longer than that?

A Yes.

Q Okay. How long had she worked for you?

A She worked for me since January.

Q Okay. All right. So you see the tug of

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war, as you put it, and then what happens?

A As I'm trying to get to my camera and my phone, that's when the shot --

Q You need to speak up louder, please.

A I'm sorry. As I'm trying to get to my camera and my phone, that's when a shot came out and I just got out of the way, I started trying to get out of the way, and I went to the left side.

Q Where were you when you heard the shot?

A I was right here, like okay, they were right here and I pulled right in front of here. (indicating)

Q What kind of car were you in?

A I was in a

Q A ?

A Yes.

Q Okay.

A So whenever the shot came out, it came from the car and I started turning this way, that's when I saw the kid like yank away like this and take off running. And I came around, parked right here, got out, came across the grass. The kid was running this way, the cop came behind him and was shooting. I saw the kid's body jerk and turn around like this with his hands up.

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Q Okay. So you are in a and you say you parked over here?

A Yeah, I pulled right here.

Q By Canfield Drive?

A Yeah.

Q In that parking lot?

A Yeah.

Q And were there any other cars on the street?

A A Monte Carlo right behind the officer's truck and I don't know, it was a black car that came after a while, but I saw the back. But the whole time, it was like, whenever I could get right here, I saw the white car, I didn't see the white car behind the SUV until I get right here. (indicating)

Q Okay. And it was a white Monte Carlo?

A Yes.

Q All right. So when you see, there's a struggle at the car, you hear a shot, does the shot, do you hear the shot when the officer is in the car?

A Yes.

Q Is Michael Brown still at the window when you hear the shot?

A Yes.

Q Is anyone with Michael Brown, that you

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know, that you see?

A At that time I didn't see anybody besides him, but I saw someone kneeling by the white car, the white Monte Carlo.

Q Okay. They were knelt?

A Like knelt down.

Q Okay, all right. But you didn't see them do anything?

A I didn't see them together at all at the time.

Q Okay. So when the shot goes off, Michael Brown runs, show us again which way?

A He runs this way.

Q Okay. And the officer, what does he do?

A He comes behind him shooting.

Q So did you see the officer get out of the car?

A I didn't see him exit the car, I was on the other side of the car at the time.

Q Okay. So where were you when you saw the officer shooting?

A I was coming across this grass and the officer started pursuing Michael coming this way.

Q You could clearly see the officer running after him?

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A Yes.
Q And you could see the officer shooting?
A Yes.
Q Okay. And Michael is running and his back is to the officer?
A Yes.
Q And the officer is shooting?
A Yes.
Q Do you have any idea how many shots were fired by the officer?
A Not at all.
Q Okay.
A I didn't count that at all.
Q Okay. And then what happens after he is shooting at the officer, I mean, the officer is shooting at Michael Brown?
A I saw his body jerk and stopped and turned around and put his hands up, and that's when the officer continued to walk and shoot until he went all the way down.
Q Okay. Can you hear anybody say anything?
A I can't hear anything from anybody.
Q Okay. And show us again where you are?
A At the time that he, Michael went down?
Q Yeah, that's right, let me make it clear

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because you said, you showed us where you were when you saw him running?

A Yes.

Q The officer is pursuing Michael, he is shooting you said?

A Yes.

Q When Michael turns around, where is Michael? He stopped running and he turned around?

A He was right here. (indicating)

Q And where are you?

MS. ALIZADEH: Wait a minute, can you point again because I can't see where you are pointing?

A Okay, I'm sorry, which part?

MS WHIRLEY: When Michael stops running and turns around, where is he?

A He is right here. (indicating)

Q (By Ms. Whirley) Where are you?

A I'm right here coming across this grass.

Q How close would you say that is in your opinion?

A I don't know how to measure by feet.

Q Okay. Look at me. Tell me when we're as close as you were to where Michael was, if that's possible in this room.

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A Okay. So I can say from me to Michael is right kind of like at her, where she is standing.

Q Where she is standing, you can see that close?

A Yeah.

Q Okay. Now, he turns around and you say he puts his hands up?

A Yeah.

Q Does he appear to be hit by any bullets or anything?

A I didn't see any blood or anything until it started pouring on the ground as he's laying there. Whenever the bullets was hitting him, I was thinking like are these rubber bullets. I can't say exactly where he was hit.

Q Okay.

A I just saw the one in his face when he hit the ground.

Q When he first turned around and had his hands up, you couldn't really see whether he was shot, you couldn't tell whether he was shot or not?

A No, I couldn't.

Q But you couldn't hear him say anything to the officer?

A No.

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Q Was the officer saying anything to him?

A I didn't hear the officer say anything to him, I didn't hear conversation from either party.

Q Okay. So we know you were like from this distance to that distance and can anybody give an estimate of how far that would be?

About 20 feet.

Q (By Ms. Whirley) Now, from the officer, how far was the officer from Michael Brown when Michael Brown turned around and raised his hands, the same, a similar distance or something different?

A Similar distance because I was closer to the officer than I was to Michael when he turned around.

Q Okay. So that's Michael 20 feet away or so, I'm the officer, let's say, just for purposes of the transcript.

A The officer was over that away.

Q Like this way?

A Yes.

Q How far?

A Like they were about that distance.

Q About where I am now? So another 20 feet or so?

A Yeah, maybe so.

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Q Okay. You can see both the officer and Michael Brown?

A Yes.

Q From approximately 20 feet away?

A Yes.

Q Okay. And if I didn't ask you this, how close was the officer to Michael Brown, not you to them, but the officer and Michael Brown, how close were they? Were they closer than you were to them?

A They were closer to each other than I was to them.

Q That's my question. Any idea how close, like me and you again?

A I can't say exactly, it was movement.

Q Okay.

A So I can't say exactly like where they stood at what point.

Q That's fair.

A They were constantly moving.

Q He turns around with his hands up and then what does the officer do?

A He continued to come up on him.

Q Like show me?

A He just continued to come up on him and shoot him. He never got like, he was further back

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from him, but he kept shooting him until he fell down to the ground.

Q Did Michael Brown ever move back or come forward?

A Like he came forward.

Q He came forward. Did he come forward in a charging motion?

A No, like he just went forward like his body was just going down and he was shooting him.

Q So from where you were, it didn't appear that Michael Brown was threatening the officer?

A No, no.

Q You didn't think --

A No, he wasn't coming towards him whenever he turned around. He just start like, as soon as he turned around like, that's whenever like the bullets start hitting him. I can't say exactly where, but he just started going down from that point.

Q Okay. Did it appear at any time that Michael Brown had a weapon?

A No, I couldn't see anything in his hand while he was running. I can't even say where his hands were at this point.

Q Okay. I was going to ask you that question when he was going down, did you see his

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hands?

A Yeah, they were, they were the whole time. (indicating)

Q His hands was up when he turned around, when he was going down you said the officer was shooting at him?

A When he went down, he went down to the ground like this. (indicating)

Q Okay. And from your perspective, in your opinion, you didn't think that the officer was ever, his life was not threatened?

A I can't say, before I pulled up to this car, I can't say what happened before I got there.

Q Right.

A So I don't know what happened between them before I pulled up, but I can only say what I saw. From what I saw, he was trying to get away, he was pulling away at the window.

Q Okay. And you saw it from the time that he ran from the car window until he laid dead on the ground?

A Yes.

Q And between that timeframe, he never appeared, in your opinion, to be threatening the officer?

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A No, he was trying to get away from what I saw.

MS WHIRLEY: Okay, Kathi?

MS. ALIZADEH: Yeah. Hi, .

A Hi.

MS. ALIZADEH: I know we haven't met, my name is Kathi Alizadeh, I'm with the prosecutor's office as well.

A Uh-huh.

MS. ALIZADEH: Miss Whirley and I are working together on this investigation, so we kind of tag team. It is not that I'm asking you certain questions and she's asking you certain questions, but I want to clarify something here. So when you say, I'm going to use this pointer, and you tell me if I'm right. You said the officer's car was somewhere around in here, correct?

A Yes.

MS. ALIZADEH: And you came in from this direction?

A Yes.

Q (By Ms. Alizadeh) And then you turn around this horseshoe, which is Canfield Drive, correct?

A Yeah, I turned into here and I didn't go all the way around it.

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Q Did you park right, like right around here?
A Yes, that's where I parked.
Q Okay. And then you walked through the grass?
A Yes.
Q Now, you said that Michael Brown was running in this direction, correct?
A Yes.
Q So that is down Canfield Drive, and he is running towards Copper Creek Court, this is Copper Creek Court right here? (indicating)
A Yes, he never made it that far.
Q You said he never made it this far?
A Yes.
Q Which is, I've got the laser pointer, right on the corner of Canfield Drive and Copper Creek Court, he never made it that far?
A Yeah.
Q And so you say that at the location where he ended coming, you know, came to rest, his body was in the street?
A Uh-huh.
Q Um, how much distance farther had he run before he fell down into the street, do you know

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what I'm saying? So he runs and then he turns around?

A Uh-huh.

Q And does he take any steps or come towards the officer at all?

A Whenever he stopped and turned around at, that's where he fell dead at.

Q Okay.

A I didn't see him take any more steps.

Q Let me ask you this, is it possible as you were trying to make your way in this direction and watching what was going on, you could have missed him being close to this corner to where he would have come 20 feet back toward the officer?

A No, I can't. So whenever I was over this way, I saw him running past here, but for me to come across here and him to come all the way, that's not enough time I don't think. I didn't see him go that far, not at all. Because whenever I came across this, whenever I saw the officer coming this way and he was still coming right there, so he never made it that far.

Q Okay. So let me tell you something, go ahead and sit down. So as you park your car, do you recall which slot you were in right here?

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(indicating)

A No, I don't. I was right in one on that side though.

Q On what side?

A On the side.

Q Closet to the street?

A Yes.

Q Closest to Canfield Drive?

A I was in one of those three, I can't remember exactly where I parked.

Q From where you were parking and you have to get out of your car, is it possible that you lose sight of him for a time period or that you can't see from your location to where he could have been at that corner?

A No.

Q Okay. So let me ask you this, have you been out on that street since then?

A No, I don't.

Q Okay. Since then you haven't seen the flowers and memorial?

A I seen pictures in the news and stuff like that, not myself actually being there, no.

Q Do you have any reason to know why Michael Brown's blood might have been located in this area?

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A No.
Q He came to rest right about here, would that be fair to say?
A Yeah.
Q Right, almost right across from Caddiefield Drive?
A Yes.
Q So you don't know how it would have been possible for his blood to be 20 and 22 feet that direction toward Copper Creek Court?
A No, I don't.
Q Okay. Is it possible that you in trying to get out of your car, were you dressed for work?
A Yes, I was.
Q Were you wearing heels?
A No, I had on khakis and a T-shirt.
Q Okay. So is there, is it possible that, you know, you trying to run through the grass or get in this direction, you missed a part of that?
A I can't see me missing that part because whenever I was coming across, I still had sight of them. I didn't see him go that far.
Q Okay. But you say you saw him turn around?
A Yes.

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Q And from the point he turned around, he didn't really go any further closer to the officer?

A No.

Q And he had his hands up at that point?

A Yes.

Q Okay. That day, August 9th, pretty hot outside?

A Yeah.

Q Did you have your car windows up and the air conditioner on?

A No, the air is out on my work van, so I had windows down.

Q Okay. You had the windows down?

A Yes.

Q When you pulled in here and you saw Michael Brown and he was struggling with the officer, or what was your description?

A It was like a wrestling.

Q Wrestling. So he's at the officer's car window?

A Uh-huh.

Q And do you see any part of Michael Brown's body inside the police vehicle?

A Like maybe his arms and stuff going back and forth through the window, like being pulled back

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and forth.

Q Okay. How about his head, did you ever see his head in the window?

A I saw his head in the window, but not like kneel down into the window kind of thing, it was like kind of pulled back and forth like at the window.

Q So Michael Brown, do you know how tall he was?

A No, he's really tall though, he was a man when I first saw him, I didn't know he was a kid.

Q He is taller than the roof of the vehicle, correct?

A Yes.

Q So in order for his head to be in the vehicle, he would have to have been at some point bent over a little bit, correct?

A Yeah.

Q His head couldn't --

A Yeah.

Q Right, right.

A It went, yeah.

Q And you said that you thought his head might have been in the vehicle at some point?

A Yeah, coming like back and forth through

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the window.

Q Okay. Could you see anybody if there was anybody hitting anybody else?

A I couldn't see that.

Q Couldn't tell?

A No.

Q Okay. And how many seconds from the time that you pull up and you see this going on at the vehicle to the time that Michael Brown is lying in the street?

A I don't know.

Q Can you give me an estimate?

A It was less than two minutes.

Q Okay. And just to be clear, you heard one gunshot while Michael Brown was by the vehicle?

A Yes.

Q And then he runs and the officer chases him while firing his weapon?

A Uh-huh.

Q Can you give me an idea how many times the officers fires his weapon while he is chasing him?

A No, I can't. I don't know exactly, it is about five or six times.

Q Okay. And then does he continue to fire as Michael Brown is turning around, or is there a

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pause in the gunshots?

A There was a pause.

Q Okay. So Michael Brown, does the pause happen when he turns around or before or after?

A Like during the time, I can't say exactly when the pause happened because there were several pauses. I can't say this happened and then a pause, this happened and then a pause, I wasn't paying attention like when the gunshots came and when it stopped.

Q Okay. And I know, it is tough, I mean, this is all very chaotic, and you're seeing something, you probably can't even believe what you are seeing, right?

A Yeah.

Q So as best we can, you know, everybody that says that they saw this we are trying to get as many details as we can out of them.

A Uh-huh.

Q I'm not here to say one person is right, and one person is wrong, okay. Just the best of your recollection.

You said you maybe heard how many shots, five or six shots as he was running?

A Yeah, more than five or six shots.

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Q More than five or six?
A Yeah.
Q And then at some point there is a pause in the gunfire and then you hear more gunfire?
A Yes.
Q How many guesstimates would you say you heard then?
A Probably four or five more, I don't know.
Q Okay. And then after that round of gunfire, do you hear any more gunshots?
A No, afterwards, no.
Q So it is that last round of four or five gunshots that Michael Brown then collapses in the street?
A Yeah. Around about that many times, I can't say exactly how many times he shot each time at all.
Q Okay.
A I never counted.
Q Okay. And that's fair. Did you ever see, after Michael Brown went down on the pavement, did you ever see the officer shoot him again?
A No.
Q Did you see the officer go up to him?
A Huh-uh.

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Q Okay. At some point did you see Dorian Johnson running away ever?

A I didn't see him. Only time I saw him was on the side of that red car, I didn't look back to see him at all. I didn't see him any more after.

Q On the side of what car?

A At the side of the little white car.

Q The Monte Carlo?

A The Monte Carlo.

Q You didn't see where he went after that?

A No, I didn't.

Q Did eventually, did come down from her apartment?

A I went upstairs to her.

Q Did you girls eventually go down to the street?

A I went, I came down whenever the officer said it was okay to come down, because the investigators were there, they wouldn't even let me come down at all, and they told us we had to stay up on the porch because they were trying to block it off, and we had to stay up and they were applying the tape.

Q While the officers still had things taped off, did you eventually come down?

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A No, never.
Q Never did?
A I came down when they investigator got done talking to us.
Q Did you ever use your phone to tape anything or record anything?
A I did.
Q And that's when you are on the ground, correct?
A That was whenever I was not top on the balcony.
Q Okay. So you went up to 's apartment and did she stay upstairs too or did she ever go downstairs?
A I don't remember her going downstairs, I can't say for sure, but I never looked at that point. We were walking back and forth, up and down the steps. We were having two different conversations on our phone, we were both crying. I don't remember her going down, but I know I didn't go down.
Q Okay. So this number five is her building, correct?
A Uh-huh.
Q Do you enter her building off of this

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Canfield Drive horseshoe?
A No.
Q You enter --
A Those steps right there.
Q Right here?
A Yeah.
Q Right in front of Canfield Drive, right across from where Michael Brown's body was, correct?
A Uh-huh.
Q So after this happened, how long did you remain out here before you went inside the apartment?
A I went straight upstairs to her balcony.
Q Okay. And her balcony is on the front of the building?
A Yes.
Q Third floor?
A Yes.
Q Did the two of you, did she let you into her apartment, was she inside when you went to her apartment?
A She was standing on the balcony with her phone out recording and she was trying to say, I just saw him kill him. I said, yeah, I saw him too. And she was crying, I got on the phone I called my

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fiancee and said, I just saw the incident.

Q Okay. But she was in the apartment when you got there?

A She was on her balcony, yes.

Q You remained up there?

A Yeah.

Q You went upstairs?

A We remained, we walked up and down the steps a couple of times, both on our phones and we stayed up there.

Q Okay.

A Or her and I stayed up there. I don't think she ever went down, the cops wouldn't let us come down.

Q As far as you know, she stayed up there with you too?

A Yes.

MS. ALIZADEH: I don't have anything else.

MS WHIRLEY: Questions? Anybody?

You did talk to a police officer that day, give a statement to the police officer the same day as the shooing?

A Yes.

MS WHIRLEY: Like within an hour or so of the shooing.

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A Yes.

MS WHIRLEY: Okay.

MS. ALIZADEH: And you have made numerous statements like in the media, correct?

A Uh-huh, yes.

MS. ALIZADEH: And then recently you were interviewed by the FBI, correct?

A Yes.

MS. ALIZADEH: Other than the statement you made that day to the County Police, and the statements you've made in the media and the statement you made to the FBI, have you ever made a statement to anybody else about this?

A No.

MS. ALIZADEH: Other than talking amongst your friends or with your friends?

A No, that's it.

MS. ALIZADEH: Pardon me?

A No, that's it, I haven't.

MS. ALIZADEH: Okay. And does still work for you?

A Yes.

MS. ALIZADEH: Have you, other than the day that this happened, do you guys discuss this together?

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A We talked about it the other day after the FBI, after we saw the FBI in the office, and we were just talking about how it changed our life and what is going on with it.

MS. ALIZADEH: Is there any information that you have or anything that we didn't ask you maybe that you think is important for this grand jury to know?

A No, not that I can think of.

MS. ALIZADEH: Okay. If you find something out or there is something important that you know of, will you contact us or contact your attorney and have him get ahold of us so we can learn that?

A I will.

MS. ALIZADEH: All right. No further questions.

MS WHIRLEY: That will end the testimony of .

(End of the testimony of .)

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State of Missouri
SS.
County of St. Louis

I, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

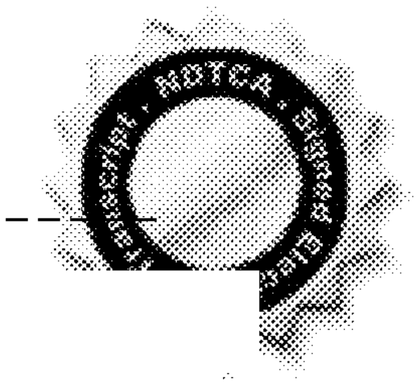
The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and

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complete transcript of the questions propounded to and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

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COURT MEMO

State of Missouri vs. Darren Wilson

CERTIFICATE OF OFFICER AND
STATEMENT OF DEPOSITION CHARGES

DEPOSITION OF Grand Jury, Volume VI

9/23/2014

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St. Louis County Prosecuting Attorney's Office
100 S. Central Ave.
Clayton, MO 63105

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IN WITNESS WHEREOF, I have hereunto set my hand and seal on this _____ day of _____

STATEMENT OF DEPOSITION CHARGES

Commission expires

_____

Notary Public

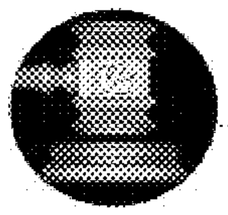
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Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume VII

Date: September 25, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 25, 2014

VOLUME VII

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IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 25th day of September, 2014, before

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APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

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Clayton, MO 63105

(314) 615-2600

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GRAND JURY HEARING VOLUME VII

MS. WHIRLEY: Good morning.

(Everybody says good morning.)

MS. WHIRLEY: I'm Sheila Whirley. Of course, Kathi Alizadeh is here, 12 grand jurors is here, and the court reporter. Today is September the 25th, Thursday. And I don't have the total program memorized for this morning or for today. I can tell you our first witness is . , we heard his taped statements last time we were here, recorded statements with the police, with the FBI agent, and also made several appearances on the media for CNN, and I think various TV channels. You guys remember that, he is going to testify live here this morning.

And then, Kathi, could you tell us what else is on the agenda today?

MS. ALIZADEH: I don't know. No, actually, we have a witness scheduled for 10:30. He called me bright and early this morning to cancel, so we're going to probably play you, I don't think Witness Number 10, remember the guy that was . He has a recorded statement I don't think I played.

MS. WHIRLEY: Only played part of it. We

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had about ten minutes left.

MS. ALIZADEH: We can play the end of that to finish that and then we also have, you all heard from last time and she has media interviews that take, I think, about 33 minutes total for all of her media interviews. And then she also has some recorded statements that we can play and hopefully, that will fill out the morning.

And then in the afternoon we have a witness scheduled to be here at 12:30. I will check and make sure he hasn't called to cancel during a break or whatever, hopefully then we will have another witness here in the afternoon. He also has a taped statement. I can't remember if it is 30 minutes or an hour, it doesn't exceed an hour.

So if he, you know, shows up, we can play his statement and then have him testify, and I think we are trying to recess 2:30.

: 3:15.

MS. ALIZADEH: At the lunch break, if we need to figure out how to fill our time, we'll do that.

Also, if you recall, Witness Number 10 had talked about the fact that he is,

at the scene the

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aftermath,

I do have that clip and we will play it for you. It is only a couple minutes and, you know, just so you know,

It is not a very long clip, so if you all, if we go through it, we can play it again. So we can go back and try to listen, because the person who is doing the recording occasionally speaks and, of course, their voice will kind of talk over the people that are in the background.

So it might be, if you request it, it might be you want to hear that a couple of times just so you can try to pick up what's being said. All right.

MS. WHIRLEY: All right. I'll go get the first witness.

MS. ALIZADEH: Let's talk about the question that they had.

MS. WHIRLEY: Okay.

MS. ALIZADEH: We were not on the record, I think it was last week when one of you asked a question about your deliberations and, of course, you've been sitting as a grand jury for several

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months, so you know that it takes nine people to indict and the question was asked what if we have, what if we can't, since we're giving you a variety of different charges to consider, I think the question was, what if we don't have nine people that all agree on the same charge, what do we do then or what happens.

And I wanted to make sure that I put that in there in the record that that was a question that was asked and we have had discussions about that and what I will tell you is we're researching this because we want to make sure before we tell you, you know, we want to make sure we're correct on the law, but I assure you that we will have an answer for you well before you begin your deliberations about what, in the event that that would happen, what happens then. All right.

Are there any other questions that anybody had thought of? Okay, all right.

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

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EXAMINATION

BY MS. WHIRLEY:

Q Introduce yourself to the jurors, please.

A My name is

Q All right. , where do you live? You don't have to give me your exact address, in what vicinity?

A I live in Canfield.

Q Do you live in the Canfield Green Apartments?

A Yes, I do.

Q How long have you lived there?

A Um, going on a year now.

Q One year. So you lived there on August the 9th of 2014?

A Yeah.

Q Is that the day that Michael Brown was shot?

A Uh, no, I think it was like on the 9th.

Q August 9th of 2014, correct?

A Yes.

Q What day was it?

A Um, I think that was a Saturday.

Q Okay, Saturday. Do you remember your Saturday that day?

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A Yes. All I did that morning, early that morning, my family and I went out for breakfast and we came back around nine something and we all took a nap.

Q How many folks went to breakfast with you?

A Uh, four altogether. My fiancee and my three kids.

Q And then you all came back and took a nap?

A Yes.

Q And so what time did you wake up from the nap?

A Um, I was actually woken up about 11:00, 11:30.

Q Did something wake you up or you just woke up?

A A friend of mine came over.

Q Okay. And what happened when your friend came over?

A Um, I steps outside with him for a couple of minutes, maybe no longer than five minutes.

Q Okay. Can you show us on the map? You can use that pointer or that laser light thing.

Show us where you live.

MS. ALIZADEH: For the record, this is Grand Jury Exhibit Number 25.

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MS. WHIRLEY: Yes, thank you.
A Oh, I have to push it.
MS. WHIRLEY: Yeah, push it down.
Q (By Ms. Whirley) Grand Jury Exhibit Number 25, show us where you live.
A I live right here.
Q All right. So is that an upstairs or ground level?
A That's the middle level, that's the second floor.
Q Do you have a balcony?
A Yes, I do.
Q So when you went out and talked with your friend, were you on the balcony?
A On the balcony.
Q On the balcony?
A Uh-huh.
Q An then what happened?
A I goes back in the house. I goes back in the house.
Q And speak up a little.
A I goes back in the house no longer, three, four minutes after that maybe, and I heard something going on outside.
Q And do you investigate that to see what it

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is?

A Yes, I happen to look out the window.

Q All right. And what do you see?

A I see a guy on the side, on the driver's side of a police vehicle. I just see something going on through the window, like a tussling going on through the window.

Q Can you show us on the map where you saw this police vehicle?

A Um, about right here.

Q Okay. And show us again where your apartment is.

A My apartment is right here.

Q So you are looking sort of down?

A Yeah.

Q And --

A Kind of.

Q From your perspective, from your point of view, are you looking at the driver's side of the vehicle or the passenger's side of the vehicle?

A I'm looking directly through the passenger window to the driver, you know, so I could see real good.

Q Okay. So which direction was the car facing?

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A The vehicle was actually facing --
Q The truck, the police truck.
A The police vehicle was like facing like up here, you know, kind of like my direction, but this way diagonal like.
Q Okay.
A Maybe like facing this building.
Q Okay. So you're saying it was like facing that building?
A Yeah, kind of, you know, by diagonal.
Q All right. So if it was traveling, which way would it have been traveling?
A Um, it was traveling going towards West Florissant.
Q All right. That would be going west on Canfield Drive?
A Yeah.
Q But it was diagonal?
A Right.
Q Parked when you saw it?
A Yeah.
Q Did it look like the brake lights were on or anything?
A I didn't notice that.
Q Okay, all right. So it is facing this way

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diagonally, but you can see the passenger side versus the driver's side?

A I could see the passenger's side clearly.

Q Clearly?

A Versus the driver's side.

Q Okay. So then you see a tussling going on, can you give us any more description about what the tussling looks like?

A Um, obviously, the window is between them, so I just see both arms moving.

Q When you say both arms, what do you mean?

A I see, if my window was in this direction I can see the officer's arms moving this way and I see Mike's arms, you know, whatever, through the window, whatever.

Q Can you see skin of the arms, are they wearing long sleeves?

A Yeah, it was skin.

Q Could you tell two black people, two white people, black and white?

A I could tell black and white.

Q You could tell black and white. You said Mike, you used the name Mike?

A Yeah.

Q Did you know Mike?

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A No.
Q Had you ever met him before?
A I seen him before.
Q Because he lived in the neighborhood you thought?
A I'm not even sure.
Q You don't know, okay. Had you ever talked to him?
A No.
Q All right. Okay. So then what after you see the tussling?
A I see the tussling and all of the sudden, he also had a friend with him, he was standing like in front of the vehicle, the police cruiser, but like on the passenger side in front, maybe like 4 feet away from him, but all of the sudden, they just takes off running.
Q So his friend, which you now know to be who, what is his friend's name, do you know what his friend's name is now?
A Um, um, Dorian.
Q Okay, Dorian. So was his friend on the, Mike was on the driver's side; is that correct?
A Yeah.
Q With the officer tussling you said?

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A Yes.
Q Was Dorian on the driver's side too?
A No, he was on the passenger side.
Q The passenger side of the?
A Police cruiser.
Q Closer to where you could see?
A Yeah.
Q Okay. And what was he doing?
A He's just standing, just standing there.
Q Okay. And then what?
A And, like I said, they both just take off running, almost like at the same time.
Q Okay. Did you see anything that occurred that caused them both to take off running?
A No, I didn't notice that.
Q All of the sudden they both --
A They takes off running.
Q Did you hear anybody saying anything?
A Um, I heard, that's the only thing I heard was just the tussling or whatever, like maybe some voices, but I'm not sure like what was said, they just take off running.
Q All right. They took off running which way?
A Um, Mike, he runs straight down Canfield

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directly in the middle of the road, and his friend, like I said, he was in the front passenger side, and if the vehicle, the police cruiser is like right here and there was also two parked vehicles on the side right here, and his friend takes off running directly behind the first vehicle he sees.

Q Okay.

A That was on the side.

Q Do you recall what those vehicles were like, the color and make of the cars?

A I just remember the white vehicle that Dorian ran to.

Q Do you know what kind of car that was?

A It was like a two-door Monte Carlo.

Q Okay. So there were two cars parked, the first was the Monte Carlo close to the police vehicle?

A Yeah.

Q And then Mike is running down, I guess east, well, you are showing us east on Canfield Drive?

A Yes.

Q And then what happens?

A And, um, the moment they take off running, I see the officer immediately gets out of his

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vehicle, pull out his gun, definitely, in his shooting position, and let me see. Mike must have probably made it about right here in front of this driveway, as I said before, he didn't make it there, he just, when he gets out of the car he just immediately starts shoot.

Q As soon as the officer gets out of the car he's shooting?

A Yes.

Q And when you say the shooting, I don't know what your phrase, was standpoint, what did you say?

A Yeah, like in a shooting position.

Q Position, show us the shooting position.

A Um, like, you know (indicating).

Q So he gets out of the car and does that?

A Yeah, or maybe this right here.

Q Okay, thank you. And Mike is running and he's shooting?

A Yes.

Q And he's shooting like with Mike's back to him?

A Yes.

Q And then what?

A And, um, at the time I was still in the

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window looking and, um, my eyes, actually, I was still kind of focused, I was focused on both of them, but mainly on Dorian because he was still closer to the officer than Mike because Mike, he ran kind of fast at that time, but as I see Dorian ducking down looking at the officer shooting, I was kind of thinking that the officer was, he was going to stop, even hisself with the vehicle that his friend ran to and come over and shoot him.

Q Shoot Dorian?

A Yeah, but I kept my eyes on him because I seen Dorian constantly looking over the vehicle and looking at the officer each time.

Q Did Dorian look a certain way or anything in your opinion?

A Just looking scared.

Q Okay.

A Definitely looking at the officer, like I said.

Q Was he saying anything, Dorian, that you could hear?

A No, no.

Q How many shots did you hear the officer fire when he got out of the car and pursued Mike Brown?

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A Maybe four or five times.

Q Okay. And you didn't count the shots?

A No.

Q But it seemed like four or five?

A Yeah, it was kind of like a round though.

Q Okay. So you seen Dorian, Mike is running, now what?

A I'm still in the window and, um, I notice that the officer passed his friend Dorian where he ran to and that's when I decided to run outside to see what, you know, get a closer look.

But I forgot my phone in the bedroom, so I still took some steps, ran into the bedroom and got my phone and I went back, which is just a couple of seconds.

Q And where did you end up when you came out? Show us on the map where you were.

A I was at this building right here on the second floor.

Q Uh-huh.

A On the balcony.

Q Uh-huh.

A Turning on the power on my phone and the moment I steps outside, I see Mr. Brown kind of bent down a little bit with his arms tucked in like on

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his stomach, so now I'm thinking that he's now shot. He was going down definitely so, and the officer just let out a few more rounds to him and he hit the ground and that's when I seen blood.

Q So when you stay he was going down, the officer shot more at him you say?

A Uh-huh.

Q How many more times maybe?

A Maybe four or five more times.

Q Can you demonstrate for us when you say going down, what his position looked like?

A His position looked like this.

Q Both arms under?

A Both arms like this (indicating).

Q Under his torso?

A Yeah, I remember him like taking two small steps like he was stumbling and like I said, the officer lets out some more shots and that's when he hit the ground. Yeah, he hit the ground just like how he, how he laid there or whatever, he dropped the arm.

Q Okay. So he had two arms --

A Just like this.

Q -- and one arm came out?

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A Yeah, yeah, yeah, so all at the same time cause, um, I thought he was hit in his chest I didn't see no blood yet or, you know, so. When the officer let out more shots, you know, he just hit the ground, boom, just like this.

Q And the officer let off the shots as he was going down?

A Yeah.

Q Okay. Did it appear to you that Mike Brown was charging the officer?

A No.

Q Did it appear that the officer was being threatened by Mike Brown at that point when he was going down?

A No.

Q Okay. Then what did the officer do once Mike Brown hit the ground?

A Uh, the officer was maybe 5 feet away from his body.

Q Was he 5 feet away, did you see the shots?

A Yeah, I saw the shots.

Q So he was shooting, when Mike Brown was going down, how far away was he from Mike Brown then?

A He was like a good 15, 20 feet.

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Q From him when he, and let me walk it, I am going to walk back here and you tell me how far, like you be the officer and I'm Mike Brown. So if this room is large enough, about right here?

A Yeah, maybe, I'm standing at the door.

Q You can stand up.

A Maybe I'm standing at the door, about this distance.

Q This is the distance between Mike Brown and the officer when he shot him and he was going down?

A Yeah, at the time that he was going down, but like I said, he was probably a little bit farther when he let out the first shots.

Q Okay.

A The last shots he was about this distance, yeah.

Q Okay. So that's about 20 feet, 15 or 20 feet?

A Yeah.

Q That's what you thought it was, right?

A Yeah.

Q And what did the officer do? You said at some point he was like five foot from you?

A Yeah, I see his body, I didn't see him

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check his body. He was just like 5 feet away from his body, um, over his shoulder or whatever on his walkie-talkie, still have his gun out pointed at him.

Q Okay. And was Mike Brown moving at that point?

A No, the moment he hit the ground, I knew he was dead.

Q No more movement?

A No more.

Q At any point did you hear the officer say anything?

A No, no, I don't remember.

Q At any point did you hear Mike Brown say anything?

A No.

Q How about Dorian?

A No.

Q You never heard any of them say anything?

A They probably was, but you know, I wasn't even paying attention to anything that was said. I was definitely paying attention to the sounds of the gunshots and what was going on.

Q Okay. Did you ever see Dorian get in the car that he was by, a white Monte Carlo? Did it

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appear to you he got in the car?

A Yes, I saw him, he's in the car about the time that Mike Brown's body hit the ground.

So I see him inside the car and --

Q Do you actually see him in the car or you are assuming?

A Yeah, I see him in the car kind of sitting and then, like I said, when I see his body laying there now and it is done and over with, I see two more cops come there, but then probably a little bit before that is when I noticed Dorian had left, the white car left.

Q Okay. You didn't see Dorian any more?

A No, I didn't see him then.

Q Did you see him any time after that when this investigation was going on at the complex?

A I don't remember seeing him then.

Q Had you ever seen Dorian before?

A In the streets, no.

Q So you didn't know Dorian?

A No, I don't remember seeing him.

Q I asked you to describe him, what do you remember about him?

A I just remember some dreads.

Q Okay. You really couldn't identify him if

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I brought a bunch of pictures here and show them to you or do you think you could?

A Maybe, yeah, I think.

Q I'm not going to show the pictures, I was just asking.

Did it ever appear that Mike Brown had a weapon?

A Uh, no.

Q Did it appear when he was, you know, you said holding his torso with both arms when he was going down, that he was going for a weapon in your opinion.

A No, it just looked like he was going down because the moment I steps outside, I'm thinking now he's hit in his chest area and the officer lets out more shots. It looked like he was going down, anyway, not to like give up, like to surrender, but to go down and bleed, you know, because like I said, before even going down on his knees or whatever, the officer lets out more shots but he had his arms on his torso.

Q When you say on his knees, what do you mean by that?

A I'm just saying like before, like I said when I was thinking that he's now shot, but he's got

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his arms like this, you know, like before he even hit the ground, like his knees didn't even hit the ground or nothing like that. Cause I know he was hit, I knew he was hit, that's why I'm pretty sure he was now turned around.

Q Okay. And when he turned around, did you see him raise his hand in any way? I understand you saw his hand on his torso.

A I didn't see the hands go up, I didn't see no hands go up.

Q Okay. And you already said you didn't see him charge the officer, but you did say the officer was shooting at him as he was running away?

A Yes.

Q After they left and ran from the car?

A Yes.

Q The police car?

A Yes.

Q Okay. Now, when did you first interview with the police?

A Um, the first time?

Q Did you talk to them that day when this occurred?

A I think so.

Q Okay. You talked to them the very first

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day I'm asking?

A I think so, I mean.

Q That Saturday?

A Yeah, I think because I talked to a lot of other reporters too. So A lot of people was coming the my house.

Q You talked to a lot of people, I understand.

A Yeah.

Q When you talked to the police, do you recall if they came to you or did you go to them?

A No, they came to me.

Q How did they know to come to you. Were you outside and they came to you or did they come to your house?

A They definitely just came there. They just came there.

Q To your house?

A Yes.

MS. WHIRLEY: Kathi?

Q (By Ms. Alizadeh) So just to clarify, you heard something that caused you to look out your window and when you did, you saw that Mike Brown was at the vehicle?

A Yes.

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Q And the driver's window and you saw hands in the window?

A Yeah, just going through, just arm movement.

Q Arms moving?

A Uh-huh.

Q Now, when you originally described this, and I, you know, I'm taking notes as you are testifying, so I don't want to say I missed something, but can you show what you showed before or what you saw that Mike Brown's arms or hands appear to be doing?

A I just see his hands just through the window and I see like the officer's elbow, you know, just like this. (indicating)

Q Okay. Now, you're using your right elbow when you are doing that?

A Uh-huh.

Q And if you were the officer, you'd be sitting in the driver's seat and I'm Mike Brown, I'm standing on this side of you, correct?

A Yeah.

Q Was say the officer's right elbow going like this or was it this elbow?

A No, it was going like this.

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Q Okay.

A So if my window is this way, I seen this kind of movement.

Q And you're looking into the vehicle through the passenger window?

A Yeah, and slightly through the front windshield like, yeah.

Q Okay. So to be clear, anything that happened before you looked out the window, you have not witnessed nor heard anything about, right?

A No.

Q And then by the time you first look out, Dorian is already on the passenger side of the vehicle near the sidewalk?

A Yeah, kind of like in front, in front of the vehicle though, you know, not on the side of it, but still like 5 feet away from it. Yeah, basically between the sidewalk and the parked vehicle.

Q Okay. So was he in the street or grassy area?

A He was still in the street like, yeah.

Q But not at the driver's door?

A No, not at the driver's door at all.

Q So he was not in a position where if Mike Brown wanted to reach to him, he couldn't, he wasn't

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there?

A No, not at all.

Q Okay. And so, and then you said that you ran to get your phone and then I assume it was close by?

A Yes.

Q So you missed some of it?

A Yes.

Q But a matter of seconds?

A Yeah, yeah.

Q And then when you came back, you went outside then?

A Uh-huh.

Q So you're actually out on your balcony?

A Yes.

Q So still above ground level?

A Yeah.

Q Looking kind of down?

A Yeah.

Q Did you start recording with your phone at that point?

A No, my phone, it was completely off and I was cutting on the power still.

Q Okay. So now, you did record some things with your phone that day; is that right?

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A Yes.

Q But the things that you recorded were after?

A Just right after, before the yellow tape, yeah.

Q Right. So you did not record any part of shooting; is that correct?

A Correct.

Q Okay.

MS. ALIZADEH: I don't have anything else. Questions?

: This is When you were in your bedroom looking out the window is it a clear view or did you have blinds or shades or curtains?

A I had blinds.

: So you had to like open the blinds or peer through them?

A I put my finger in it and had it like this, yeah. (indicating)

: So does that bother the vision a little bit?

A No, it didn't mess it up. I mean, I could see everything when I did that.

Did you notice any other

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vehicles around the police car or in front of or the police car initially?

A No, I just seen two vehicles parked on the side, on the sidewalk.

: Nothing in front of the police vehicle though?

A No, it was behind it like.

Did you see Michael Brown's head or shoulders entering the car at any time?

A Inside the vehicle?

: Inside, yeah.

A No.

: So just his arms?

A Yes.

Okay, thank you.

: At any time did you see Dorian with anything in his hands or Michael pass anything to Dorian?

A No.

: . So go back to part of the story you were explaining, you wouldn't mind maybe explaining it. When you are in your bedroom looking through the window, through the blinds, you explain seeing Officer Darren Wilson,

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but can you walk us through exactly, you said you saw him shooting, kind of what that looked like. You know, if you heard him kind of what, you know, you showed us how he was holding his gun, but I mean was it cocking back, is there any sort of smoke, shell casing, anything that you may have seen or heard during that?

A No, no, he just, I say immediately, when they started running, he just gets out of his car and I see him in his shooting position and he lets out some rounds. So I didn't see no shells fall or no gun smoke or anything.

: As he is progressing, is he continually moving, what is he doing?

A He's, he's, he's taking, he's taking like large steps, so I didn't see him like run or anything, so he is just taking large steps, you know, towards him, you know, while his back is turned towards him.

. When Darren Wilson is pursuing Michael Brown, did you see anybody like maybe with a camera or cell phone running like towards or moving towards the officer, like towards where Dorian Johnson would have been?

A No.

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: . At the point where the police officer gets out of the car and he, I guess, goes into his shooting motion, did you ever see him like sprint with the gun in one hand sort of like this kind of motion, with the gun in one hand?

A No, huh-uh.

He was always just like that?

A Yeah, in that position.

: I have three questions.

You were in your room, in your bedroom, you were looking outside?

MS. ALIZADEH: You know what, can you speak up?

: I'm sorry.

You were in your bedroom, you are looking outside?

A Uh-huh.

: Where was Michael Brown when you were on your balcony, where was he positioned on that?

A He was definitely, I was just past this driveway. He was about right there, no, probably about right here. (indicating)

: Where was Michael Brown

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when you got outside?

A Right here. (indicating)

: Same place. So he was in the same spot when you were looking at him from your balcony?

A Yes.

And he was, when you saw him from outside?

A Um, no, he was right here the moment I come outside.

Okay.

A I know for sure while I was in the window.

: Uh-huh.

A Where his death is, he actually ran just a little bit past his death, death bed, I know that for sure because from my window, this building right here, kind of blocks the view.

You didn't see him run towards Copper Creek Court?

A Copper Creek Court, yeah, I see.

: You saw him down there. Did he get to the corner of Copper Creek Court, did you see him there?

A At the corner of it?

Or did you see him

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basically the same spot within just a few feet from your balcony to when you got outside?

A Yeah, just right here, yeah.

: Okay. So you didn't see him anywhere near that corner?

A Oh, no, no, no, no.

MS. ALIZADEH: Can I interrupt you real quick? I'm not sure, maybe I'm mistaken.

: Okay.

MS. ALIZADEH: You're inside, when you are looking through the window, you are inside?

A Yes.

MS. ALIZADEH: From there you go onto your balcony?

A Yes.

MS. ALIZADEH: And you call that outside, that's outside, right?

A Yes, the balcony is outside.

MS. ALIZADEH: Okay. And then you go leave your balcony and go outside of the building?

A Outside on the ground level?

MS. ALIZADEH: Yeah.

A No, that was way after, way after.

MS. ALIZADEH: Okay. So inside, when you go outside, that's on the balcony.

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A Yes.

Okay. Thank you.

MS. ALIZADEH: I didn't know, it sounded like --

Yeah, I thought you had gone out of the apartment.

A No, no, I'm still on the balcony.

: Because I was a little confused by that, I thought, it was seconds getting and I thought getting your phone and everything.

A No, no, no, I stayed on the balcony.

: And you didn't see him move that much from that time?

A No, like I said, from where his death bed is, from my window, he ran past that just a little bit.

Okay. And you said that say the officer got inside his car, he was inside his car before Michael Brown's body even hit the ground?

A No, no.

: That's why I'm asking because I misheard.

A No, I mean, he was, the officer was, 20 feet away from him when Mike Brown, before Mike

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Brown's body hit the ground, he let out some more shots.

He turned around and got into his car?

A Not, not right after that, not right after that.

: Okay. That was all, I couldn't really hear you.

MS. WHIRLEY: I'm glad that was cleared up because you were on the balcony the entire time that this incident was occurring?

A No, not the entire time.

MS. WHIRLEY: Let me rephrase.

Q (By Ms. Whirley) Once you came out to the balcony.

A Uh-huh.

Q You never came to the ground?

A No.

Q Until after the incident --

A Yeah, after.

Q -- had occurred?

A Yes.

Q Until after Mike Brown was on the ground dead?

A Yes, uh-huh.

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Q That's when you came out on the ground?

A Yes.

Q Okay.

: . If you are right here.

A Yes.

: Yes.

A Yes.

: You see the police officer, you can see the front of it. If you are here and the police is running here.

A The officer is --

: Or the officer. What do you see, you see his side, you see his back, you see his front.

A I see Mike Brown's front, I see the officer's side, I see his side, he is still in his shooting position.

: Is it Mike Brown was down right here.

A No, his body was right here (indicating). And he just, the longest I think he ran right here, not long at all. And like I said, and by the time I got to the balcony, he is turned around right here, stumbled right here where his body, his death bed

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is. The officer still about right here.

: Okay. You see part of his side and part of his back?

A Yes.

: You don't see him doing this all the time?

A Yes, I saw that he was in his shooting position. So I see, you know, his arm and his side the officer's side.

: You see this hand and you see perfectly with this one too?

A Yes.

MS. ALIZADEH: let me just ask you. I until you pointed on the diagram to where you sea say Mike's Brown's body eventually came to rest.

A Uh-huh.

MS. ALIZADEH: Show me on the diagram again.

A Right there. (indicating)

Q (By Ms. Alizadeh) Okay. So you know the police were out there afterwards, correct?

A Yes.

Q And they photograph everything, I don't know if you saw that, but I will tell you they did. I mean, do you have any reason the police moved the

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body into a different location?

A No, they didn't.

Q And you know police took measurements of where the body was in relation to things and they did a diagram. Would it help you to talk about where the officer was and where Mike Brown was if I show you that diagram?

A Yeah.

Q Okay. So I'm going to show you a diagram that was done, I'm not trying to mess you up at all because it is difficult to remember all of this, I get. So this is a diagram, Grand Jury Number 2, okay.

And so this is where they measured where the police truck was when the police got there. You never saw that truck move again, did you?

A No.

Q Okay. So here is this, do you see this little grassy area here?

A Yeah, that's my apartment.

Q You can see that's kind of reflected in the diagram?

A Oh, that's what that is supposed to be.

Q I think so, do you see that?

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A Yeah.

Q So the truck is about, you know, somewhere in this area according to the diagram, correct?

A No, it was actually up here, like right here. (indicating)

Q Okay.

A So closer, like up here.

Q You think it was closer up to here?

A Yeah, I know it was because there is a sign right here and it kind of evened itself up. I just know it was closer to the driveway right here. (indicating)

Q So let me ask you this. Do you think that the police officer measured it wrong or do you think that the, anybody moved the truck?

A No, no, I know that the truck was right here, it was definitely right here.

Q Okay.

A Just before this driveway diagonally in the middle of the street.

Q Okay. And you see here this line right here that kind of looks like the edge of the driveway?

A That's the edge of the driveway.

Q You say the truck was more up here?

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A More right here, before the driveways that's across from each other.

MS. ALIZADEH: Do you all have your diagrams?

(All indicate yes.)

MS. ALIZADEH: I can also put this up there.

Q (By Ms. Alizadeh) So now here is in diagram the depiction of where Michael Brown's body came to rest, okay. And here is the little, the driveway or the street Caddiefield, and as you can see here, is Copper Creek Court up here to the north.

So the way they have it, his body is somewhere right around here. You don't think that's right?

A No, it is not right. His body is definitely right here because like I said, I live there and that's the driveway right here, his death bed is just a little bit past the driveway, just a little bit past the driveway.

MS. ALIZADEH: You all want me to put this up here so he can point and follow along with yours? . You were standing on your balcony, I believe that distance in

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your mind that's where you would see him because you are on a balcony, so that's the distance your eyes were focused where the two people are in position. And so you seen Mike collapse, I believe that from your balcony that's, that's where your eyes focused that that's where he laid, but actually like everything was done, they did the measurements, that it was a little bit further than your eyes focused on where he actually fell. So not saying that you're wrong, that's just from the vision point of your perspective that's where you were standing.

MS. ALIZADEH: And she's exactly right. I'm not trying to say you are lying about this or anything, I mean, don't make it, don't feel like you're on the defensive, like I'm trying to point out that you're wrong or that you weren't really there.

A I was there.

MS. ALIZADEH: I know you were there. But people remember things differently or they see things from a different perspective, distances are hard to judge. And so I just want to clear things up and I'm going to show you what is a photograph that was taken by the detective who processed the scene.

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What's the envelope you took that out of, Sheila? Oh, here it is. This came out of Grand Jury Exhibit Number 3. And it is Image Number 3, you see that three on the back there?

A Yeah.

Q (By Ms. Alizadeh) So this is the image that the detective took of the police car?

A That's the police car right there.

Q That's the officer's vehicle, yes. Does that help you get a perspective of where the car might have been?

A You may be right.

Q So you don't think that helps you?

A No, no, I think it really does. So if I'm on my balcony, that's why, I know it's a little wall right here, so from my balcony right here it is on the side. So I could barely see kind of because I got barbecue grills right here.

Q Uh-huh.

A So I kind of leaned over and still see the vehicle right there, but I'm thinking, you know, right there on this picture.

Q Sure. Okay. And you see the corner here, I believe, that's probably that corner right there, right?

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A Yeah, Canfield.

Q And then I'm going to show you Image Number 13.

A Uh-huh.

Q So this is where his body came to rest and this is Copper Creek Court right here. Does it appear to be right in front of this building, right here?

A Yeah, right in the front.

Q So would that be more like right here? (indicating)

A I know that pole right there, yeah, you know what I think that's right, yeah, okay.

Q So does that help you?

A Yeah.

Q I'm not trying to get you to change what you say you saw because we all understand?

A Yeah, I saw what I saw, it is just the parked vehicle and the body from my window and balcony.

Q Okay. Just again to clarify, you're not saying anybody moved the car or moved the body, correct?

A No, I didn't see nobody move the body.

Q So seeing those photographs, you believe

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that those photographs do depict where the body was?

A Yeah, yeah.

Q And where the vehicle was?

A Yeah.

MS. ALIZADEH: Okay, all right. I just wanted to clarify that.

: . Could you put that Number 3 on the screen.

MS. ALIZADEH: Image Number 3?

: Yes, please.

: A couple times when you were explaining the story just a couple minutes ago, you referred to Michael Brown's death bed?

A Uh-huh.

: Do you mean where you saw him fall in a day or do you mean where there is currently a memorial?

A No, where he laid.

: Where he fell?

A Yes.

MS. WHIRLEY: I'm not sure which button to push. We need to push.

MS. ALIZADEH: We need somebody to teach us how to do this.

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MS. ALIZADEH: We're just rocking and rolling now. I want to get this all on the screen.

I'm putting up here Image Number 3. At the request of one of the jurors.

: Let me go over here to the map. Now that driveway we see behind the police vehicle.

A Uh-huh.

Is that this driveway or this driveway?

A This one, the first one.

: Okay. All right. Thank you.

Can you point out where your balcony is at on the picture?

A Um, should be right here. (indicating)

. I apologize if I missed this. Are you on the second floor?

A Yes.

. There are three floors?

A Yes.

: Would the other cars that were parked there, the one that

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Dorian allegedly ran behind.

A Uh-huh.

Would they have been in this picture?

A Yes, before then, yes.

Okay.

A So, yeah, I kind of thought the vehicle was a little bit upwards from my balcony and from my window. But it would have been right here and like another one right here. (indicating)

: That's where those two vehicles were parked?

A Yeah.

MS. ALIZADEH: So, Michael, those two vehicles, you're talking about the white Monte Carlo?

A Yes.

Q (By Ms. Alizadeh) And then I think you described in a previous statement a purple car?

A Yeah, I think, it was more, it was darker color black.

MS. ALIZADEH: Maroon or black cherry or something.

A Uh-huh.

Q (By Ms. Alizadeh) Were those cars then,

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did it look like they had stopped in traffic or were they parked?

A No, they was on the side, they was just on the side. I don't even think they was parked.

Q Okay.

A They was just off to the side.

Q All right. Did you ever see the doors of the Monte Carlo open?

A That's the funny thing, like I seen the Monte Carlo door, the passenger side door was opened.

Q Okay. Did you ever see anyone inside the Monte Carlo get out?

A No.

Q Okay.

MS. WHIRLEY: You said you thought Dorian got in into the car, where would he have gotten in? Did you see that, in the passenger's front?

A Yeah, he would have got in through the passenger's front door.

Q (By Ms. Whirley) Because you saw someone in the passenger front door and the door was open?

A Yeah, the door was open, yeah, so. I didn't see nobody in front other than somebody in the driver's seat.

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Q Okay. So you thought Dorian got in that front passenger seat?

A Yes.

MS. ALIZADEH: I want to make sure we are clear on this. Are you just assuming that he got in the car because he was right there and then suddenly you didn't see him?

A I seen him get inside, but as I said, I didn't see him like make a conversation with the person that was in. I know when I got to the ground, the car was gone.

MS. ALIZADEH: Right. You got to the ground after it was all over?

A Yeah.

MS. ALIZADEH: I guess my question is, that Monte Carlo is a two-door car?

A Yes, as far as I remember.

MS. ALIZADEH: I know it has been described before and I apologize if I don't know if it was you that said it or someone else, but you saw him get in the car.

A Yeah.

MS. ALIZADEH: Okay.

: You never saw Dorian beside Michael Brown.

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A The side of him.

You never saw him beside him on the driver's side door on either side of him?

A No.

: He was always on the other side of the car?

A Yeah, on the opposite.

I have another question. Did you see anybody else outside, the parking lot in that building or grassy area in front of the parking lot during the shooting.

A As a matter of fact, yeah, it was, there was another purple car sitting on the parking lot already and that person told me he saw the whole thing. That one person was already outside.

Was that a male or female?

A A male and female.

MS. ALIZADEH: Just so I'm clear on this, is this somebody that you talked to after the fact?

A Yeah, that I spoke to.

MS. ALIZADEH: And they said they were and they saw the whole thing?

A Yeah, that they saw when the officer pulled, when he first pulling up to the street to them.

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MS. ALIZADEH: And did you tell the police the names of these people?

A No, I don't know the names.

MS. ALIZADEH: Do you know if those people have ever been talked to by the police?

A I'm not sure.

MS. ALIZADEH: So was this someone you just kind of met that day?

A Yeah, just at that moment, you know, just everybody is just talking what they saw and he happen to be outside with his girlfriend, they was just in the car with their feet up, with the doors open.

MS. ALIZADEH: Okay. If I said any names, did you ask his name?

A No, huh-uh.

MS. ALIZADEH: It wouldn't help if I said a name or two?

A No, huh-uh.

MS. ALIZADEH: It was a man and a woman?

A Yes.

MS. ALIZADEH: Okay.

MS. WHIRLEY: Anything else?

: At the point where the last, I guess the final shots by the

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police officer and you said he was kind of balled up?

A Yeah.

Did it to your, I guess, your opinion, did it ever seem like he was trying to tackle this officer?

A No, huh-uh, no, not at all. It just looked like, the moment I come outside, I just thought he was hit, you know, in the stomach somewhere and he was going down, that's my vision right there. Oh, he's going down and then boom, boom, boom, he's down for sure. And, you know, I just knew he was dead the moment, I think, yeah, probably like the very last shot is when like I seen his face.

Cause, um, after all of them shots, I didn't see no blood like splatter until like his face hit the ground, so I thought his head busted up at first so.

: Just to clarify also, the time in which you were behind your window and you grab your phone and come to the balcony, at that point is that where you would assume Mike Brown stopped and turned around, so you didn't actually see him at any time when he stopped

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running?

A I didn't see that moment.

: Okay.

A I just seen him running away. Then the moment I gets outside, he is now facing the officer.

Thank you.

MS. ALIZADEH: Any other questions?

MS. WHIRLEY: All right.

MS. ALIZADEH: is there anything else that you know that would help this grand jury figure out in its deliberations maybe something that nobody's asked you or that you know now that you would like to tell them.

A Um, no, not at the moment, no.

MS. ALIZADEH: If there's anything that you think of in the future before this grand jury concludes its investigation, would you promise to call me or Miss Whirley or the County Police?

A Yes.

MS. ALIZADEH: Just let us know that you have some additional information?

A Yes.

MS. ALIZADEH: And you believe me when I said this is our job to make sure they have as many facts as they could possibly have?

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A Yes.

MS. ALIZADEH: All right.

MS. WHIRLEY: So that concludes the question and answer period with in the Michael Brown shooting. Thank you, .

A Thank you. Thank you.

(End of the testimony of .)

MS. ALIZADEH: All right. This is Kathi Alizadeh, present in the grand jury are all 12 grand jurors and Sheila Whirley and the court reporter, and it is 9:55 a.m. We had a witness wasn't able to appear this morning and so we're going to try to listen to some more recorded statements.

So the first one we are going to hear, we are going to resume the recorded statement of Witness Number 10. He testified earlier this week and we actually began hearing his recorded statement, but we stopped because if you recall, then was here and we wanted to get her on.

So Sheila thinks that we stopped the recording at?

MS. WHIRLEY: At 2041. I cued it at 2040. I didn't want to go over 41.

MS. ALIZADEH: Okay. So we will now stop

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the recording in the grand jury while we are playing the recorded interview of Witness Number 10, which is contained on a file which is on a disc marked Grand Jury Number 24.

(This is continuation of statement of Witness Number 10.)

DETECTIVE Okay. at the end of that ten seconds, what happens?

WITNESS 10: A gunshot.

DETECTIVE Okay. And then what happens after that gunshot goes off?

WITNESS 10: Mr. Brown ran.

DETECTIVE Okay. do you know where that gunshot came from?

WITNESS 10: No, I do not.

DETECTIVE : Okay. So before he runs, he leaves the car?

WITNESS 10: Yes.

DETECTIVE Okay. So he kind of comes out of the car then and then he runs, right?

WITNESS 10: Uh-huh.

DETECTIVE : He takes off running in which direction?

WITNESS 10: East.

DETECTIVE East, okay, which would

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be away from you, correct?

: Page ten.

WITNESS 10: Yes.

DETECTIVE : Okay. At that point what do you do?

WITNESS 10: I'm in shock. Um, I'm thinking that he just killed this police officer because he didn't get out of the car and follow foot pursuit as quickly as I would have thought that he would.

DETECTIVE Okay. And I think you said six seconds, roughly, before the officer gets out of the car?

WITNESS 10: Yes.

DETECTIVE : So Michael Brown runs east on, east, where at is he running actually?

WITNESS 10: He's running in the middle of the street at like, at a slant, um, and the, it will be the first driveway on the left from the squad car that he was -- he was turned -- about to make a turn like he was going to go into the driveway. Actually, he did turn into that first driveway and then he stopped and came back towards -- by this time the police officer was out of his car with the gun drawn. Okay. And afterwards he stopped and

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came towards the police officer.

DETECTIVE : Okay. So, um, Michael Brown is running east heading towards the parking lot, right.

WITNESS 10: Yes.

DETECTIVE : The officer comes out of the car. How is the officer, you said with his gun drawn. How is the officer holding his gun.

WITNESS 10: Just as if he was going to use it.

DETECTIVE Okay. And do you hear anybody saying anything at in any point in this?

WITNESS 10: No, no, I was not at a close enough distance to hear any words being exchanged.

DETECTIVE Okay. Um, what did this officer do then at that point?

WITNESS 10: At that point he has his gun drawn at a raised point. He -- when he felt he came into a line, close enough distance with him, um, it appeared that when he did raise his gun, that he's verbally um, telling this guy, giving him a command.

And at that point that's when I seen Mr. Brown turn and he like did something. I don't know if it was pull his pants up, it was some type of motion that took place with Mr. Brown's body

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gesture and after that, he began to run towards the police officer.

DETECTIVE : Okay. So from the time that you hear that first gunshot and the officer gets out of the car until the time that Michael Brown stops and -- and turns around and faces the officer, right?

WITNESS 10: Uh-huh.

DETECTIVE Do you hear any gunshots between that -- that period right there?

WITNESS 10: No.

DETECTIVE Okay. So Michael Brown stop, he turns around, correct?

WITNESS 10: Uh-huh.

DETECTIVE : Where are his hands at that point, do you know?

WITNESS 10: Um, I know for sure they weren't above his head.

DETECTIVE : Okay. Okay. So let's go back to the officer is chasing after or approaching Brown, right?

WITNESS 10: Uh-huh.

DETECTIVE : Brown stops, turns around, and just so I'm clear, what happens at that point then?

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WITNESS 10: You're at the point Mr. Brown stops, turns around --

DETECTIVE Uh-huh. He stops and turns around.

WITNESS 10: He turns around, he does some of body gesture, and I'm thinking he pulled his shorts up, I can't really recall upon what all happened. All I know is that I seen the body gesture. I mostly seen it in the upper body.

Um, after that, he began to run at the police officer.

DETECTIVE Okay. How far away do you think he did was from the officer at this point?

WITNESS 10: Um, maybe, I want to say 15 yards he was away and he may have gotten 5 yards before the police officer fired his first shot.

DETECTIVE Okay.

WITNESS 10: So that would bring him in, um, within a 10 yard range before the police officer would have fired.

DETECTIVE Okay. Where were, where were Michael Brown's hands when he's, you said he does this thing with his pants, right?

WITNESS 10: Yeah.

DETECTIVE : Or something. Um, what

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does he do after he does that?

WITNESS 10: He runs. He's at a charging motion.

DETECTIVE : Okay. And where are his hands at that time, do you know?

WITNESS 10: Um, I'm not sure where his hands was at that time. Uh, all I know is that I'm seeing him coming at a very aggressive, um, speed and just in a charge mode towards the police officer.

DETECTIVE : Is this a trot or is it a jog or is it a full-out?

WITNESS 10: No, it's a full-out. I'm coming charge full-blown to try to get to you.

DETECTIVE : Okay. And so the officer fires the first shot when he's how far away?

WITNESS 10: Um, 10 yards.

DETECTIVE Okay. And how many times do you think he fires?

WITNESS 10: I think he fires, um, five to six rounds.

DETECTIVE : Okay. And then after that five or six rounds are fired, what happens.

WITNESS 10: Uh, Mr. Brown then paused and the police officer ceased fire and Mr. Brown then

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tried to charge once more and that's when the police officer opened fire.

DETECTIVE : So Brown charged again and the officer opened fire again?

WITNESS 10: Yes.

DETECTIVE : Is that what you said? Okay. And then what happens?

WITNESS 10: Then he collapsed in the street.

DETECTIVE : Did you see the officer, uh, touch him at all, or anything like that?

WITNESS 10: No.

DETECTIVE : Okay. And how many officers were present when this took place?

WITNESS 10: One.

DETECTIVE : Just the officer that was shooting?

WITNESS 10: Yes.

DETECTIVE : Okay. How long did it take before other officers to show up?

WITNESS 10: I'm not sure. I walked in the and maybe two minutes, a minute at tops.

DETECTIVE : Okay. But you went back to the to --

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WITNESS 10: Two minutes tops, yeah.
DETECTIVE : Okay.
WITNESS 10: Yeah.
DETECTIVE Uh --
WITNESS 10: I'm not sure, I'm not sure there on the time on the response because when I did come back out, I'm not sure if it was the actual police officer that shot, uh, Mr. Brown that was doing the taping. I know when I came back outside, I really wasn't focused then on did another police car show up. What drew my attention was I seen one police officer, um, taping off the scene and I'm not sure if that was the actual police officer that did the shooting.
DETECTIVE Okay. You made mention of a car, right?
WITNESS 10: Yes.
DETECTIVE It was west, I'm sorry, east of the police car in the middle of the road, right?
WITNESS 10: Yes.
DETECTIVE What kind of car do you think that was?
WITNESS 10: It was Monte Carlo. Blue.
DETECTIVE : Okay. Do you know what

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color?

WITNESS 10: Blue.

DETECTIVE Okay. Do you know how many people were in that car or who was driving?

WITNESS 10: No, I'm not sure. I just seen a driver's from a distance. I couldn't get a description. Uh, I know he was a black African-American.

DETECTIVE You said he, so it was a male in the car?

WITNESS 10: Yeah, yeah, yeah, it was a he. Yeah, yeah.

DETECTIVE Okay. Do you know if there was anybody else in the car?

WITNESS 10: No, I'm not sure.

DETECTIVE All right. The individual with the dreadlocks that you say were, uh, you said kind of highlighted --

WITNESS 10: Yeah.

DETECTIVE : -- or had some sort of color to them, right?

WITNESS 10: Yes.

DETECTIVE He went where?

WITNESS 10: He went um, at what time?

DETECTIVE : Uh, I guess what's the

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first point that you saw him?

WITNESS 10: The first point was I seen him with the suspect when they were still alive together. The next time I seen him was when after everything already took place where Mr. Brown was fatally injured and he came from nowhere and ran across the street and it would be at the point where he ran across would be in front of the squad car.

DETECTIVE Okay.

WITNESS 10: And he cuts across and yells, uh, "they killed him, they killed him." And I'm not sure if he, at that point when he was yelling at the, um, that, blue Monte Carlo was at the same, they were at the same point. I'm not sure if he was yelling it just to be yelling it or if he was telling them in the car that they killed him.

And that -- and that he never entered their car or went up to that car that they killed him. He was yelling and he ran through the back fields of Canfield.

DETECTIVE Okay. Did you notice anybody else outside? You made mention obviously of the, obviously, the -- the -- the guy with the dreadlocks, right.

WITNESS 10: Uh-huh.

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DETECTIVE And the occupant of the Monte Carlo, right?

WITNESS 10: Yes.

DETECTIVE : Did you notice anybody else outside at that point?

WITNESS 10: No, I, I never noticed anybody outside looking or anything. Um, I was mainly, I have -- I have felt like I had tunnel vision where I was just like zoomed in on just what was going on with the police officer.

Now, um, I, I didn't see anybody. No, I seen that everybody started coming outside. I did notice when, uh, Mr. Brown was laying on the ground.

DETECTIVE Okay, all right. Uh, when you went inside and told the you were working at, those people in there, how many people did you tell?

A Just one.

DETECTIVE Just one?

WITNESS 10: Yeah.

DETECTIVE And that was the in the , right?

WITNESS 10: Yes.

DETECTIVE Okay. What did say, anything?

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WITNESS 10: Uh, I can't recall comments.

DETECTIVE : wasn't -- I guess -- I guess --

WITNESS 10: I can't -- I can't recall comments.

DETECTIVE Um, wasn't outside or anything, was ?

WITNESS 10: No.

DETECTIVE : But , I guess what I'm getting at didn't say, yeah, I know I saw this or --

WITNESS 10: No.

DETECTIVE : Okay. So when you first told that was first, first knowledge of the incident?

WITNESS 10: Exactly.

DETECTIVE Okay. And do you remember -- you do not remember name, right?

WITNESS 10: No, no. I never really got name. This is the time me working there. I never --

DETECTIVE : Just a, just a job.

WITNESS 10: Exactly, it's just a job.

DETECTIVE Okay, all right. How

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old is , roughly?

WITNESS 10: I'm not sure. If I had to guess, maybe late , early .

DETECTIVE All right. What, um, what is your opinion of that incident itself?

WITNESS 10: Initially, um, I thought wow, um, did he have to use the force on him. Um, could he have taken and retrieved his taser, um and tased the young guy. He was, I felt like he was unarmed and my initial thoughts was that.

And after thinking about it and reviewing everything and putting myself in the police officer's shoes, I feel like he handled the situation correct force wise. The gunshot led from the car, the confrontation led from the car.

He came out with his weapon drawn, um, trying to pursue the suspect.

Then, um, at one point the suspect turns and if he, I felt he was really trying to give himself up, um, the police officer already has his gun drawn. If you're really trying to give himself up, you're going to lay down on the ground and you're going to let it be known, um, but that he didn't do that.

And he charged at him and at that time I

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feel like the police officer, he didn't have time to really react and holster his weapon and reholster with a taser.

DETECTIVE Okay. The entire incident from the time that you first saw until the time that Michael Brown was on the ground, how long do you think it lasted.

A Um, maybe two minutes.

DETECTIVE Okay, all right. You have anything?

DETECTIVE Did we get an address of where you're working?

WITNESS 10: No.

DETECTIVE (Redacted)

DETECTIVE No, on the street itself.

DETECTIVE : Oh, no, it's the on the --

WITNESS 10: It's the on the .

DETECTIVE : --

WITNESS 10: Yeah.

DETECTIVE : Or on the or the

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WITNESS 10: Uh, I believe it is .
DETECTIVE Okay. And you were just doing that job, an job?
WITNESS 10: No, it's a
DETECTIVE Oh, to okay.
WITNESS 10: Yeah.
DETECTIVE All right. Um, is this your, I'm sorry, anything else you can think of? Is this your best recollection of this incident?
WITNESS 10: Yes.
DETECTIVE Okay. And nothing has been embellished, you know, I mean, you're being upfront, honest. There's nothing that you're making more out of or nothing that a you are leaving out on either end of the spectrum; is that --
WITNESS 10: No.
DETECTIVE Okay. Is there anything else that you would like to add? Anything else that you feel is important that we should know? Any questions that we did not ask you?
And that's not a trick question, that's just something that I want to give everybody an opportunity to, you know, speak their peace.

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WITNESS 10: Um, I just, um, I just, uh, I feel sad about this whole situation that, um, it had to end like this. And, um, it's just, just hearing everybody's point of view, I feel that, um, most people think that, um, Mike basically f'd the police. They think the police are bad for them up until the time they're in need of the police.

And, uh, I just wanted to come forward and tell it how I seen it because I feel like it's very rare that somebody's going to come forward and tell actually what happened.

DETECTIVE : Okay. Anything else you want to add? Anything else that is important?

WITNESS 10: No.

DETECTIVE Okay. You have anything? If there is nothing else, the time is 12:16 p.m. and this concludes the interview.

(End of the recording.)

MS. ALIZADEH: Does anybody need to hear anything over regarding the recorded statement of Witness Number 10? You have the transcripts that you can keep in your packet and, of course, at any time you want to rehear something, it is available to you.

Now, we're going to play a clip from a

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video that was recorded by a cell phone. This video was obtained off of the internet. It is contained on Grand Jury Exhibit Number 26 that I've marked and might be better for me to do it, I know where to cue it up to.

As I said, this is not very long and actually, this clip appears twice on this disc. One clip includes the video, which I will describe it, is after the shooting.

The other clip of this contains just the audio and it has just a plain view screen and all you are hearing is the audio. It is the same clip, it is just without the video. I don't know if after you see the video on if it would assist you to then just do the audio to just kind of close your eyes and try to listen because as I said, it is difficult to hear because voices, that has identified as own, is actually a background speaker in this clip. Can I black that screen while I'm trying to find it or no?

since this is not very long. It probably is okay for us to just record. Nobody says any identifying information on the recording. And also it would probably be difficult for you to even to attempt to transcribe it. We don't have a

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transcript of this and I think one of the reasons, as you will see, it is very difficult to hear it, and I don't want to be in a position that I'm saying this is what we think is being said because it is your job to decide what you think is being said.

And the entire clip is ten minutes long, however, I'm going to put the cursor forward to about a little past six minutes because that is the time when the conversation occurs that

is talking.

Again, this video in its entirety is ten minutes long. If you want to watch the entire video, you certainly can.

I'm going to start the clip at exactly six minutes.

(Clip is being played at this time.)

MS. ALIZADEH: Now, there again, the entire clip is ten minutes. If you want to watch the whole clip or if you want to watch a certain part of it again or if you want to just do the audio portion and listen, it is up to you.

: Let's just hear the audio.

MS. ALIZADEH: So you'd like to just hear the audio portion? You want me to start at six minutes or you want me to play the whole thing?

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I think it would be okay if you start it at the exact same timeframe.

(playing of the audio recording.)

MS. ALIZADEH: Start it at 5:59. You know, I'm not sure that that starts at the same place that I'm hearing this. Can I review this over the lunch hour and maybe we can, I don't want to represent to you that it starts at the same place because in my mind, I'm thinking it is not at the same place.

So what's in the beginning of it, the rest of the six minutes?

MS. ALIZADEH: If you want to watch it, I mean, I don't want to necessarily characterize it except to say it is all after the shooting and that it appears to be someone who is recording with a cell phone or handheld device and then you hear people in the crowd talking, you hear people near the camera talking, I don't know if it is the person who is holding the camera that is doing all the talking.

: Okay.

MS. ALIZADEH: You can certainly watch the whole thing if you want. But before we listen to that audio portion, let me listen to it during the

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lunch hour and make sure. I don't want to start it at a different place and get you confused about that.

So at this time then, I will just remove the disc and try to do this at the lunch hour when I have time to look at it.

Okay. The next thing we are going to play for you is a disc that is marked Grand Jury Number 27, and it contains several clips which are media interviews that were done by , who you will recall testified yesterday, not yesterday, Tuesday.

And we can go ahead, there is 33 minutes of video clips. I might speak during and in between them. Leave the recorder on.

(Clips are being played).

MS. ALIZADEH: All right. That was a clip that was aired on August 13th, 2014 on KMOV.

The next clip was aired August 13th, 2014 on CNN Tonight.

(clip is being played.)

MS. ALIZADEH: So the next clip is a continuation of that. Actually, it appears there is a total three clips of that interview on CNN.

(clip is being played.)

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MS. ALIZADEH: Now, I'll play the actually, the third clip of the CNN interview, which on the disc is actually the fourth clip, but it is the third clip of the CNN interview.

(clip is being played.)

MS. ALIZADEH: I have stopped it after the interview concluded. The reporter's comments are not really relevant.

I'll going to play a clip that aired on August 14th on MSNBC and on a program called last word and this interview is actually contained in three separate clips, so this is the first clip of that interview.

(interview being played.)

MS. ALIZADEH: So I'm now playing the second clip of that interview.

(interview being played.)

MS. ALIZADEH: I'm now going to play the last clip of that interview.

(clip is being played.)

MS. ALIZADEH: And as you can see on the screen, there is one clip remaining. I think I mentioned to you that that is actually reporter commentary about dissecting s story and they do play a couple of segments of that interview that

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you just watched, but it is all segments of the interview that you've already seen. So I don't think it is appropriate for you to, you know, the reporter's commentary is really not evidence and it shouldn't play into your decision, I'm not going to play the final clip that's on Grand Jury Exhibit Number 27, all right.

Did anybody want to see any of these clips over again?

This next interview is fairly short, so I thought maybe we would go ahead and listen to that and then if you want to take a break. Have you all ordered lunch? I'm going to pass around a transcript interview that was done on August 9th, 2014 by St. Louis County police detective is interviewing .

I'm going to go ahead and stop the audio recording in the grand jury while the audio interview is being played, and I've given the court reporter a copy of the transcript. So at this time let's pause the recording of the grand jury.

(Audio recording is paused at this time and this is the audio recorded interview of)

DETECTIVE : This is Detective

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with St. Louis county Police, Bureau Crimes Against Persons. I am on Canfield Drive in reference to a officer-involved shooting uh, in the City of Ferguson. It is 1:53 p.m. It's Saturday, August 9th.

Um, I'm here with, uh , black female, date of birth (redacted) Address of (Redacted). She has phone number of (redacted). , are you aware this is being recorded?

Yes.

DETECTIVE : You okay with that?

: I'm fine.

DETECTIVE Okay. If you would, um, just, cause you speak kind of soft, can you hold onto the recording for me?

: Yes.

DETECTIVE : And just kind of tell me, uh, what, if anything, you observed on Canfield today?

: Okay. I was coming down Canfield going south.

DETECTIVE Okay.

I hear "urrrrr" sound, like the brakes stopping on the car.

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DETECTIVE : So you heard tires squeal.

: Yeah, tires -- tires squealing.

DETECTIVE : Okay.

: I come closer and I see a guy being pulled through the window of the SUV of the St. Louis Ferguson.

DETECTIVE : Of the police vehicle?

: Yes, of the police vehicle.

DETECTIVE : So the Tahoe, Chevy Tahoe, Ferguson Chevy Tahoe right there?

Yes.

DETECTIVE : Um that's parked in the middle of street with the cones around it?

Yes.

DETECTIVE : Um, is that where the was at?

Yes.

DETECTIVE : Positioned exactly?

: That's where it was.

DETECTIVE : Okay.

: It didn't move.

DETECTIVE : And where did you,

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you saw, what did you see there.

: I saw the police pulling a guy through the window and the guy trying to pull back.

DETECTIVE : Okay. So, um, as you're approaching and you see, uh, the officer trying to pull, uh, the gentleman, uh, into the driver's area of the vehicle; is that correct?

Yes.

DETECTIVE : And this -- and this guy's pulling back?

: Yes.

DETECTIVE : Trying to pull away?

Like they're wrestling through the window, trying to pull --

DETECTIVE : Okay.

: Like tug of war.

DETECTIVE All right. Okay. Were they, did you see anything that would've been fighting over or anything like that?

: No.

DETECTIVE : Okay.

: No. Then I saw, I here gunfire and I saw smoke coming out of the window of from the --

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DETECTIVE : Okay.
: -- SUV.
DETECTIVE : And -- and as we discussed before, you, um, saw smoke?
: Yes.
DETECTIVE Okay. And how did you see the smoke? Was it directional like a cone or was it drifting out of the car?
: It was directional like a cone.
DETECTIVE Directional. Okay. What direction was that?
: It was coming from the window of the car.
DETECTIVE : Okay.
Like out of the driver's window --
DETECTIVE : Okay.
-- of the car?
DETECTIVE : So that would've been, north, south, west?
: Yes.
DETECTIVE : So a westerly direction from the driver's side of the vehicle?
: Yes.

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DETECTIVE : Okay.

: So after that, the kid, he gets away and he starts running.

DETECTIVE : Okay. So--

: Opposite way of the--

DETECTIVE : Is that hat his?

: Yes.

DETECTIVE : The Cardinals cap right by the cone?

The red Cardinals caps is the -- the guys.

DETECTIVE Okay. And then each of these, uh l, slipper or sandals?

Yes, those are his. He was running from the police officer.

DETECTIVE : Okay. He's running -- he's running south away from you basically?

Uh-huh.

DETECTIVE : Okay.

: He lost his sandals running from the cop.

DETECTIVE Okay.

: The cop gets out of the SUV are he starts shooting at the guy as he's running way.

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DETECTIVE : Okay. He's -- he's shooting from next to the --

: He comes walking form like, he started walking down the street.

DETECTIVE The officer did?

Yeah, running down, yes, running down the street behind the kid shooting.

DETECTIVE : Was he running shooting?

Yes.

DETECTIVE The officer was running and shooting at the same time?

: Yes.

DETECTIVE : Okay. Did you see anything in the guy's hand?

: No.

DETECTIVE : And you didn't see no weapons.

No.

DETECTIVE : Okay. Um, as the kids running, are you observing any instances of, that he's getting hit maybe?

: Yes, I saw like a, it looks like --

DETECTIVE A jerking.

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: Yes, a jerking in his body and he turns around puts his hands up.

DETECTIVE : Put his hands in the air?

Yes.

DETECTIVE : Faced the officer?

: Yes.

DETECTIVE : Okay.

: And the officer walks up him and continues to just shoot, shoot him until he falls to the ground.

DETECTIVE Continued to fire, even though his hands were up?

: Yes.

DETECTIVE Okay. What happened after that?

: After that the kid falls to the ground and two more officers pull up, Ferguson department, and all begin to take pictures of the guy just laying in the ground and they were standing around and everybody else just started coming out and everybody just started yelling at the cops. It's like, you're wrong and he had nothing.

I called the, um, Channel 2 news and Channel 4 news.

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DETECTIVE : Uh-huh. Okay. So, um, I'm sorry. So at no time you saw a weapon on this gentleman right here?

: Not at all.

DETECTIVE : Okay. All right. Is there anything that we haven't spoke about that you want to tell me about?

No.

DETECTIVE : Okay. Do you feel like I've given you the opportunity to give, um, your full story like you wanted to?

: Yes.

DETECTIVE All right. We are going to conclude the interview. It is 1:58, okay.

(End of playing the interview.)

MS. ALIZADEH: So I think I neglected to mention that that was a clip that is on file on a disc that is marked Grand Jury Exhibit Number 24 and it is the interview of

So at this time, we have another interview of that is audio recorded that was done by the FBI. I was thinking that that's an hour long or so. So it is about ten after 11:00. Do you want to take a break, or you want to start it now and then break for lunch and then continue after

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lunch? The witness is supposed to be here at 12:30. I'll probably talk to him for a few minutes when he gets here. I planned it, I think you may be eating lunch so I would have a few minutes to talk to him in case he is running late.

You want to start now? I just have to find it.

I know I have used that exhibit before the Grand Jury Number 23, so I'm looking for it.

MS. WHIRLEY: Okay. Lunch should be here around noon.

MS. ALIZADEH: This is a disc that is marked Grand Jury Exhibit Number 23. And it contains an audio interview of that was done by the FBI. We do not have a transcript of that, because it was done fairly recently and it has not been prepared.

And we will pause the recording while the interview is being played.

MS. ALIZADEH: Let me just real quick here look. So this is about an hour four minutes. It says, okay. So we will start this.

Today is September 11th, 2014 the time is 3:11 p.m. In the room is?

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: And her attorney.

: .

: And I'm with the FBI and this is , she's with the Department of Justice and right over there with the attorney's office in St. Louis.

I know your attorney has already spoken to you, we are going to talk to you today about what happened on August 9th of this year. So with that being said, I think would like to say an opening paragraph or two and then we will start with what you saw on that day.

: I'm actually going to do it. So and I are both federal prosecutors. I'm based in Washington D.C., he's based here in St. Louis. Obviously, we're with the FBI. We wanted to talk to you because we know that you are already met with the St. Louis County police detective, but we are doing our own individual investigations, that is why we want to meet with you and hear what you have to say, okay?

: Okay.

So basically, as you know, everything is being recorded. So if you nod your head or shake your head and I will say is that a yes

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or no.

: Okay.

: That's just to get your answers out loud so when we listen to it afterwards, we don't have to guess what your reaction was, right?

And if you don't understand a question that any of us ask you, please stop us and make us clarify because, you know, we intend to talk fast sometimes.

Uh-huh.

And sometimes we ask bad questions. We try not to, but if you answer we are going to assume that you understood. If at any point you get confused or -- don't just guess, you were the one that was there.

We are certainly not trying to suggest an answer. If you think we are looking for an answer, all we are looking for is the truth.

So, um, want to make sure that you feel comfortable in answering the questions and certainly feel free to correct us if we mischaracterize it, okay:

: Okay.

: And we tell this to all the witnesses, this is a federal investigation and if

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any witness lies to the FBI, anything that is material or important it is a crime, I like to make sure that everybody knows that.

Okay.

: Um, and also really important, we're not going to tell anybody what you told us, so we're not going to go to another witness and say, you know, said this or said that, just like we're not going to say to you, I know a witness told us something different or told us something the same.

So it is really important for us to find out when you actually firsthand saw and heard. And we knew a lot went on, especially that day on August 9th.

: Okay, okay.

: And since that's normal and that's human nature.

: Uh-huh.

: Uh, but we just want to make sure that you are actually telling us what you know versus what you assume.

: Uh-huh.

The example I like to give is, if you walk outside and you see that your driveway

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is wet, you go oh, it rained, right?
: Uh-huh.
That's natural, right, you immediately think of rain.
: Uh-huh.
: And we also do the same with sprinklers on, right?
: Uh-huh.
: Instead of telling us it is rain, just tell us what you saw.
Okay.
: If you don't know something or you can't remember something, that's a perfectly acceptable answer. A lot of times we like to ask details to see if we can trigger something.
: Uh-huh.
: So we can get more details because we weren't there.
Uh-huh.
: So we may quiz you on some stuff. We're not trying to get an answer other than the truth. If you don't know, it's perfectly fine to say I don't know.
: Okay.
: You have a piece of the puzzle,

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as do a lot of different people. All we need from you is the truth. Basically, it doesn't involve you, it is not one person, it is a whole picture, okay?

Uh-huh.

Do you have any questions so far?

I don't.

: Okay.

: So could you spell your name, please?

,

.

: And would you give me your date of birth, please?

: (Redacted)

: And your social security number?

: (Redacted)

: Where are your currently living?

: (Redacted)

: Okay. What is your phone number?

(Redacted .

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Okay. I think that's all the background we need from you.

So could you just tell us in your own words and from the beginning what happened that Saturday, August the 9th.

: Okay. As I was coming around the curve, I hear like tires squeaking, like "urrrr". And as I get up on the truck, I see them wrestling through the window. I tried to pull my phone out because it just didn't look normal for someone to be wrestling through a cop's window.

So I saw them like pulling back and forth, like he was trying to pull out, the cop is pulling in. And when I tried to pull my phone out, the shot came out, so I like went to the left to try to get out of the way.

As I'm going to the left, I see the kid, there ain't no way and that's when he takes off running.

The cop follows him, shooting behind him, the kid's body jerks as if he was hit, he turns around and puts his hands up and the cop continued to fire until he goes down.

Okay. Where were you coming around the corner, does this look familiar?

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Yes, I was coming from Florissant, which was coming from here. I was coming around this corner right here.

: Okay. You were approximately right here and where was the police officer.

: They were right here.

: Okay.

: I was back here whenever I heard tire squeaking, so I was --

: Which direction was the car driving?

: The truck was driving going that way.

: Okay. So it was a truck.

: Yes.

All right. And you said you heard the squeals of the tire and then what happened?

: That's whenever I came around the corner and I saw them wrestling through the window.

Okay. So you came around this corner?

Uh-huh.

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And you saw who wrestling through the window?

: Uh, I saw the officer and the kid wrestling through the window.

All right. Who's the kid?

Michael Brown.

You know him because of the media?

: Yeah I didn't know him before, just the media.

: Okay.

I've never seen him.

: So you say you saw Michael Brown and the police officer here?

Right here, yeah.

Okay. Tell me what happened?

As I get up to here, I see them wrestling through the window and I try to take my phone out.

: Where is your phone.

: My phone was probably on my lap or something. I remember, because as a matter of fact, I had my phone in my hand. I was trying to call telling her I'm outside, I was going to pick

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her up.

Okay.

: So I tried to put it on record and the shot came, so I came and I turned, made a lift right here.

: Uh-huh.

: And I pulled right into there.

: Uh-huh.

: And the kid yanked away as I was turning this way and he started running back there.

Can you point on here where the truck was?

The truck was right here.

: Okay.

It was like catty-corner in the street.

Okay.

: The kid was right there going through the window, this is the trunk, this is me, I came this way.

: Uh-huh.

I made a left onto here, parked right there, he started running that away.

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: Who is they?

: The officer and Michael Brown.

: Okay. Was there another person with Michael Brown? Sorry to keep interrupting you, was there another person with Michael Brown?

: Yeah, there was another person.

: Where was he?

It was a car right behind him stopped, right behind the officer. I didn't see this car until I got right here and that's whenever I saw Dorian duck down on the side of that car.

: Okay. Do you know what kind of car that was?

: It was a white Monte Carlo.

: All right. What kind of car were you diving?

: I was driving a

All right. So what did you see here at the vehicle, at the truck?

I saw them wrestling through the window, the officer and Michael

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wrestling through the window.

Uh-huh. What do you mean by that?

It appears to me as Michael is pulling off and the officer is pulling in, kind of like a tug of war.

Uh-huh. Did you see hands touching?

I saw Michael's like pushing up against the thing and whenever he yanked off, I saw his hands go like that.

: Did you see the officers hands on Michael Brown at all.

I couldn't see his hands, I just saw he kept trying to pull away, I saw Michael try to pull away.

: He had to be pulling away from something --

Yeah.

Do you know what he was trying to pull away from?

: I guess the officer, I can't say for sure like where the officer's hands was, but I did see them both pulling back and forth.

: Okay.

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: So this is where I was when I came across this grass, that is whenever I saw his body jerk right up in here and that's when he turned around and put his hands up. But the cop still, he continued to walk up on him and shoot him.

: Okay. So after you saw, I'm going to call it an altercation, is that okay?

: Uh-huh.

: Here at the vehicle, you saw what happened, how did the officer get out, what did Michael Brown do?

: Okay. At this point whenever I was turning here, this is when Michael yanked away and went that way.

: How did you see that if you were --

: I was still turning.

Just tell me what you saw and don't tell me what you assumed.

: I'll telling you what I saw. This is what I saw, his arm yank away. From that point whenever I was turning this way, I wasn't all the way over here at this point.

: Okay.

: This is what I saw with him

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right there as I come this way, that's whenever he was running that way, I didn't see the officer get out of the car, but I did see the kid get away and start running. Whenever I saw the officer again, he was coming back behind this way and he was shooting and the kid was probably up that way a little bit.

Okay. And the officer was where again?

: He was coming out of here.

Okay. Michael Brown was where?

: He was up running a little ways up that way.

: Okay. Do you remember how many shots?

I don't.

: Okay. You just heard shots?

I heard several shots.

Did you see the officer fire his weapon?

Yes.

All right. And where was the officer when you saw this?

The officer was outside the car walking up to Michael.

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Okay. What was Michael doing?

He has his hands up at that time. The first time I saw his body jerk.

: Uh-huh.

: And then whenever the officer is walking up on him shooting, he was turned around with his hands up and he just went all the way down as the shots hit him.

Uh, could you describe how he had his hand for the recording?

Okay. He had them in the air like this, this way.

Okay. Not quite 90 degrees, but hands even with his head, with his hands even with his head?

: Yeah, about up there.

: Did you hear the officer say anything, did you hear Michael Brown say anything?

: No, I didn't hear anything from either one of them.

Okay. How many shots were fired total?

I don't know.

You don't know.

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: I don't know.
But it the multiple shots or one shot.
: Multiple.
: Multiple shots, okay. So let's start from the vehicle again, could you tell me one more time again what you saw?
: From the vehicle?
: Uh-huh.
: As I was pulling up, I saw them wrestling through the window.
: Uh-huh.
: Then the shot was fired from the car.
: Okay. How many shots?
One shot is fired from the car.
: Do you have any idea where the shot went, if it actually hit someone?
No, I don't.
: Okay.
And that's when he yanked away and he started running and I was coming over here. I didn't see the officer getting out of the car, but I did see him running from, like away from

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the car towards Michael.

: Okay. And at any time did you not see something?

: I didn't see whenever the officer got out of the car, but I did see him by the time he got beyond his car here, right here.

Okay, thank you.

: That was right here.

: Okay. Where were you at that time, were you inside your vehicle or did you get out?

: I got right out of my vehicle, I was parked right here.

: Okay. Where did you go?

: I went up to 's house. As I was walking up, that's whenever I seen him shooting the kid, going down with the shots.

Okay. Where does live?

: She lives right here.

You have your vehicle here?

: Uh-huh.

And then you started walking towards s house here?

: Yeah.

You said you were looking

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for your phone, you had your phone with you?

: Uh-huh.

What were you doing with your phone while this is going on?

: Well, the first time I was trying to record when the shot came, and I came over here. By the time I was just holding my phone in my hand at that time. I wasn't doing anything with it by the time I came up to 's.

: Okay.

And then I went upstairs and called my fiancee.

: Okay. Who is your fiancee?

: .

Were you scared to get out of your vehicle?

: I was so shocked, I was so shocked, I was trying to see what was going on. So I was like, holy crap, what is going on. The kid was dead, I saw the blood. At first I was like, is he shooting rubber bullets? What is going on.

So I was so shocked that I just got right out to try to see what was going on.

: Uh-huh. Why are you calling him a kid?

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: Because I don't know him, I don't know him, no.

: I was just curious.

: I'm sorry.

It is not like you're 50, you look very young.

: Yeah.

: Do you have any questions?

Yeah. I just want more clarification of looking at the map.

: Uh-huh.

: When you are coming around the curve, that is when you hear the tires squealing; is that right.

: Uh-huh.

: That's yes, right?

Yes, I'm sorry.

: That's fine. And at that point you don't see anything next to the car; is that correct?

No, I don't.

: And when he came up on the car, you actually, did you stop your car when you came up to it?

Yeah, I stopped.

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Okay. So were you facing the car?

: Yes.

: Okay, or the patrol vehicle?

: Yes, the patrol vehicle is like this way, I was coming this way.

: So you're showing you were literally opposite?

: Yes.

: Was there a car in front of you?

No.

: Why did you stop your car?

: Because I saw the cop and the kid wrestling through the window, you don't see that every day.

And what was your view of the police officer and Michael Brown at that point?

: My view was Michael like pulling out of the window and they were like a tug of war.

: So you were basically head on at this point initially?

: Yes.

: And you are still driving; is

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that right?

: No.

You're sort of out of the car?

: Yeah.

: So you are head-on, so which is clearer to you, the passenger side or the driver's side or equally both?

I say the driver's side because it was like, the car was like this way, but the SUV was like going this way, okay. This is the Chevy was like this and I was like this.

: Okay. And so when you describe what you saw specifically, you saw Michael Brown, he was standing outside the car?

: Yeah.

: Describe his body, how was his body situated?

: It was like, it took like pulling away like, you know. Like, you know how you push off of something, it was more like that.

: Where were his hands?

: At one point I saw his hand like pushing up against the car like coming off.

: Okay. You said both hands?

Yeah, and then whenever I

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saw him yank away his hand went like that.

: He yanked away. And when you pulled up on them, Michael Brown was already by the car, correct?

: Uh-huh. I didn't see how the thing, the first beginning of it, I didn't see that.

Okay. You didn't see anything of that leading up to it?

: No.

: By the time you pull up, you heard a shot already or no?

No.

Okay. So let's go, you describe Michael Brown had his hands on the outside of the car; is that right?

: Uh-huh.

: Is that yes?

: Yes.

: And is hands on the window sill of the car, on the door or the car?

: Like the side door.

: The driver's side door.

: Yeah.

On the handle of the door, by

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the door handle or by the window?

He had like this I can describe like the whole time because it was action at like, you know, I can't see every little step, but I did see him pushing off like, you know.

: While this is going on, you said you didn't see this every day, is that when you took out your phone?

I had my phone in my hand. I was trying to get to record, that's when the shot came.

: So you got your phone?

: No, I'm trying to work the recorder.

: I'm trying to figure out if you were watching.

No, I can't, you know, I have to push record on that phone. So I don't know every little thing, I was trying to do that sort of thing.

: That's only fair. I'm just trying to find out what you actually saw. Because you say you see something like that, there were times when you looked down, that's all I'm trying to establish.

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Yes.

When you look down, is that when you heard the shot, is that right or no?

: No.

: Okay, explain it.

: I can explain like exactly whenever the shot came, whenever I was about to record, that's when I can't say anything. I saw the bullet.

I'm trying to figure out what you were doing when the shot, when you heard the shot. Were you trying to record, were -- (inaudible)

: I was about to record, I just now heard the shot. I can't say I was looking right at it. I was looking at my phone to try to hit record and I heard a shot and said, oh, let me get out of the way. That's when I went to get out of the way. I saw the kid wrestling, pulling out to the side, I saw the kid run away.

At that point you saw the kid wrestling, yank away after the shot; is that correct?

: Yes.

: As you were driving, did you

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look at Michael Brown at all?

: As I was driving?

Yeah, as you are driving away, did you look over at the police officer and the car?

: No, I went straight to the (inaudible), that's whenever I got out. And I saw the officer come out, I saw Michael run.

: All right, let's go back to when you were driving to the parking lot, okay?

: Uh-huh.

: So from the time you heard the shot and you decided you wanted to get out of there, so you both (inaudible)

Yes.

: During that point that you are driving to the parking lot, you were not looking at Michael Brown and the officer in the police vehicle; is that right?

No, I was not.

: Okay. At any point up to that part, did you notice anything about Michael Brown or any injury of anybody at that point?

: No. Whenever I looked back up, that's whenever there was more shots coming, I saw his body jerk.

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: Okay. You are pulling into the parking lot?

: Uh-huh.

: You pull into the parking lot, they are not in your vision; is that correct?

: The officer is still in my vision.

: Even as you are pulling into the parking lot?

: Yes, so, whenever I got right here, it is a parking lot. This is my parking spot right here. Right across this grass I can still see, that's when I coming this way, I did see him get out of that truck, I didn't see him coming this way.

: That's what I'm saying, there's a point in there where he is out of your vision as you are driving?

: Yes, I'm on the other side of his car and I can't see the driver's side door at that time.

: Okay. And you park your car in a parking space?

: Yeah.

: Where is the parking space

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relative to the street, is it parallel, perpendicular, are you facing the street?

: Yes, I am facing the street.

: Here is the parking lot?

: You pull like right up into here, I could still see right over here and then right out.

: At any point are you trying to get your phone out to record?

: I still have the phone ringing. And that time I wasn't trying to record anything and I was in shock.

: Okay. So you pull into the parking lot, what's the next thing you see when you pull into your space?

: When I pull into my space, I see the officer running behind shooting.

: Okay. You didn't see the officer out, correct?

: No.

: So you don't know what happened from there to the time you looked down at your phone initially to the time you pull into the spot, you heard the shot, you didn't see that because you were

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running into the spot; is that right?

: No, that's not what I'm saying.

: Okay.

: Put down my phone to record, I had to put down the phone at that time to hit the record, that's whenever I heard the shot come so. I get out of the way so I did see the kid yank like this.

I'm sorry, you saw him yank hard?

: Yeah, and he run off.

So you saw the kid run off?

: Yes.

: At that point the officer (inaudible) follow you; is that correct.

: I didn't see exactly when he got out of the car.

So now you are in the parking lot and you parked, what's the next thing you see when you parked?

I saw the officer running.

Okay. You say you saw Michael Brown running also?

Yes, I saw the officer

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running off shooting and I saw his body jerk.

: Okay. Can you describe anything about the manner in which Michael Brown was running at that point?

: What do you mean, like fast, slow?

For example, did you see where his hand were as he was running?

: No, I can't say where his hand were, I just know he was running.

: Okay. Did you notice Michael Brown had any injuries to his body on him?

No.

Okay. And at this point, when you got out of your car, you park your car, do you hear any other shots?

: Yeah, multiple shots.

: Multiple shots. This is between the time, can you be more specific, between the time you pulled in and parked on this spot, at that time after the first shot, did you hear any shots?

Yes.

: About how many.

I can't say how many shots

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were fired.

: You got out of your car, is that what was next?

: Yeah.

: At that point is when you see the officer running; is that correct?

Uh-huh.

: You say maybe the officer was firing shots?

Yes.

How do you know?

: I heard him firing shots.

: About how many?

: I don't know. I can't tell you exactly how many shots were fired at all. The only time I just remember that one shot came from the car, after that I can't say how many shots were fired.

Okay.

: Can you say more than two or more than three?

: Yes, it was multiple.

: It was multiple times?

: Yes.

: Okay. And so at some point you

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said Michael Brown stops; is that correct?

Yes.

: Can you describe what you saw, anything about him?

I saw his body jerk, I saw him turn around and put his hands up. He looked like a big tall man, I didn't know he was a kid.

: Okay. When his body jerked, where were his hands?

: It was like oh, like, you know.

And you saw his body jerking?

: Yeah.

: You are kind of demonstrating jerking forward?

Yeah, from behind, yeah from behind jerking.

: Did you notice where his hands were?

: When.

At that point whenever he jerked, did you notice his hands?

That's when he went up and he turned around and he started, I can't say what he was doing in front of him, but at that time he was

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running. It was really fast though. He wasn't doing anything with his hand, like once his body jerked, it jerked, I can't say where.

: Okay. I was listening to you and you say his body jerk and he started turn around (inaudible)

: He started putting them up as he is turning around.

: Okay. What did the officer do?

He continued to walk up on him and shoot until he goes down.

: Okay. He walked up to Michael Brown shooting, is what you are saying?

He kept walking, he kept walking and shooting until Michael falls down. And he just walked up on him and just stop and shoot.

So the whole time he just kept on shooting?

: Yes.

So as you seem to remember it basically he just continued the shots basically (inaudible).

: Yes.

: Were there any pauses in the shooting?

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: Yes, there was a pause.

: When.

: I can't say exactly when. Okay so, has one shot and then a couple more shots and then more shots. I can't say like exactly this is happening when the pause happened. Like, I don't know, the shots were coming.

So you are saying Michael Brown turned around, the officer just kind of kept on with it, he kept on shooting.

: Yes.

: And you're saying that the officer came up on Michael Brown and got closer and closer as he was shooting?

: Yes.

: How close did the officer get to Michael Brown?

It was feet away, I can't say exactly how, like the exact measurement of it, but it was like feet away.

: Was it arm's lenth from each other?

: No.

: Further away?

Yeah, further away.

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: Distance to the wall?
Further away from the wall.
: From me to the wall?
: Uh-huh.
: I'll say probably from me to the wall.
I'm not good with feet or distances.
: Me either.
8 feet, 8 or 9 feet?
: I can't say anything about feet.
: Do you remember anything about the expression of Michael Brown's face was at that time?
: No.
: And so from what you are telling us is that Michael Brown got to that point, stopped, turned around and stayed there because the officer came up on him.
: Yes.
: All right. And this entire time you are watching this, you're outside of your car as you are walking to 's apartment?
: Yes.

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: Do you have your phone in your hand?

: I know I have my phone in my hand.

Were you trying to call at all while you are there?

I was in shock, I wasn't calling anybody. First call I made was when I got to her.

About the time you see Michael Brown go to the ground, you were getting out of your car and walking to her apartment; is that correct?

: Yes.

: Where were you when you heard the first shot?

In the car.

: Where were you when you heard the second shot?

When I was parking getting out of the car.

Where were you when (inaudible)

: When I heard the last shot and I saw the kid go down I was about right here.

Okay.

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You say these were like (inaudible) shots or they were regular just shots being fired as he was going?

: I would say they were regular shots as they were going. There was a pause probably, but it was like, I don't know like what you're asking, but they were shots.

You heard a group of shots and then a pause and then a group and a pause?

: Yeah, yeah.

: You heard a shot, a shot, shot?

Oh, no, there were groups and then pause groups, yeah.

: What about at the end you said the officer was walking up to him?

: He was just shooting, then he stopped, he was just shooting, then he stopped.

: Okay. Why did the officer stop shooting?

I guess because he went down.

: You saw Michael Brown --

Yeah, I saw him like slap the ground.

: Slow down for a second. When

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you saw Michael turn around, he stayed where he was and the officer came up to him.

: Uh-huh.

: Is that correct?

: Yes.

: And then after that, the officer, um, (inaudible)

: Yeah.

: If fact, I believe you said you saw the officer go and get on his radio; is that right?

: I didn't just say that.

: No, you didn't. In the past, is it true that you seen --

: Yeah, I saw him touch his radio. I can't say what he said, but I did see him touch the radio and another officer immediately like pulled up right after.

: I want to be clear. Once Michael Brown is on the ground, Officer Wilson did not go over to Michael Brown's body; is that correct?

: No, he did not.

In fact, you didn't see any officer go over to the (inaudible)

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: No, I did not.
: Okay. And you were watching the whole time, correct?
Uh-huh.
: That's a yes, right.
: Yes.
: And you saw Officer Wilson somehow either touch his radio, do something with his radio.
Yes, he touched it.
And this is right after Michael Brown went to the ground?
: Yes.
: And after that you went to s apartment, right?
: Uh-huh.
Is that a yes?
Yes, I'm sorry.
: When you went to s, what did you do when you went up there?
: She was standing on the porch and she had her phone out and she was crying. She was like, I just saw him shoot him. I said I know, I saw it too.
And hen I called my fiancee and I told him

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what happened. He says you need to call somebody and tell them what you saw.

: And so who did you call?

: So I called the news.

: So your fiancee said you need to call someone and you call the news?

: Uh-huh.

: Why did you call the news?

: Because what I saw wasn't right.

Why did you choose the news as opposed to anybody else, why did you choose the news?

: I think they should know what happened to this kid.

: Who else did you call?

: Um, I think I called my (inaudible) I know I called Channel 2 and Channel 4, and I know I called him back.

Okay. Did you talk with at the time?

We didn't really talk about it, she just said, I just saw him shoot him. I said yeah, I saw it too. There is like pacing back and forth, like what the -- just happened.

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: Okay. I'm sorry, you did an interview with the St. Louis County Police Department?

Yes.

: In those two hours, can you tell us what you were doing?

In those two hours, I was standing up on the porch and looking around, like people start just coming around. Um, we were just standing on the porch like looking around, what did just happen.

: Were people talking about what they saw?

: We were up on the balcony, and I can't say, and me and was on the balcony. One of the police, they might from the county police, it was the officer standing right there at the bottom of the steps. I said, yeah, I want to talk to somebody.

They said hey, let me (inaudible) Right now I need you to stay up here so we can get this crowd under control.

Did you talk to any of the other neighbors and talk about what you saw?

: No.

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: Did you talk to at that time?

: Yeah.

: Did you know that there was another person out there?

Uh-huh.

On the street with Michael Brown; is that right?

Yes.

Did you know him?

: No.

: Did you know if knows him?

: No.

: Okay. Had you ever seen either one of them before?

No.

Did you see any other vehicle, you said that you saw this one that was behind the police vehicle, did you see any other vehicles?

: I saw a black vehicle and it was like coming up behind, I don't remember exactly where this vehicle came, right after the shooting where he backed up, it went through one of those driveways.

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Okay. It wasn't --

Yeah.

Okay.

I just want to go back to the part where you saw, this is just how the interview, when you first saw the police SUV. You had described before this tussle going on. Were you able to see what the officer was doing?

: I can't see inside the car, I can't see but I can't see fully back and forth.

: When you say tug of war that that's what (inaudible) what was the officer, based upon you saying tug of war, what you actually saw.

It looked like he was pulling in and Michael was trying to pull out.

: Who was playing?

The officer.

: Did you see the officer's hands?

I can't, no, I can't say I saw his hands.

What makes you, I'm not trying to, I just don't understand. What makes you think he was pulling him in?

I saw the kid like pulling

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away. I saw like him try to pull him in and he actually pulled away, he's not just doing this.

So you saw -- is Michael Brown has two hands on the car, you saw him pushing back; is that right?

Yes.

: Do you see, I mean, is it anybody --

I know for a fact that whenever he was pulling away, he had his shirt like this. (inaudible) I can't say exactly where the officer's hands were, but like they were both pulling.

: So you are showing me when Michael Brown pulled away, (inaudible)

: Yeah, I saw his sleeve like pull, like he was pulling away.

: Did you see any hand pulling him?

I don't remember seeing that.

: So from your vantage point, you say Michael with his hands on the outside of the car and you assume pushing away?

: Uh-huh.

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: Yes.
Yes.
: And you don't see the officer rose his hands anywhere?
No, I can't remember seeing his hands.
Is there any part of Michael Brown that is inside the vehicle?
: Another side of his head is in the window. They were wrestling back and forth throughout the whole thing.
: Just help me understand this. How is it, you said, his hands up (inaudible)
What do you mean?
: Well, you told me when you saw him they were pulling away.
They're pulling away, he had to be pulling away from something. Something was holding him through the window.
Well, you showed that he was pushing off?
Yeah.
So how do you know he was being pulled in, though, if you can't see somebody pulling in. I'm not trying to argue, I'm just trying to

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understand what you saw.

Uh-huh.

: Someone pushed away --

: Do you want me to say that I saw the cops hand pulling him in, no.

: I don't want you to say anything.

: No.

: Let me be very clear to you, I want you to say what you know happened and I'm trying to understand it.

: I'm telling you what I know happened. I don't get, okay, saying where were the officer's hands. I can't say where the officer's hands were, but I did see him pulling away. He is pulling away from something because something is pulling him back in. So I can't say exactly where those cop hands was, but I did see tug of war going on through this window.

You didn't see the officer pulling him in, correct?

I didn't see his hands pulling him in.

Okay.

: Well, I think is

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confused because she said that his head was inside, his hands are pushing away, so how is his head inside and his hands are pushing away?

I don't know exactly, like, I don't know.

I mean, is it bent in the wind?

: Yeah, it is like a bend, like what I showed you the first time. It is like their pulling, he is pulling back.

You are showing me pushing back, maybe we are using different words or the same thing. Are you assuming that somebody was pulling him in or can you tell me that somebody was pulling him in, you see what the difference is?

Yeah, I see what you are saying. So I'm not assuming something.

: When you, yourself, could see him like that?

Uh-huh.

: You see Michael Brown's two hands on the door; is that right?

: Uh-huh.

: Yes.

: Yes.

Okay. And you see, now you see

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his head, is his head inside the window, outside the window?

It was like, at the time I saw his head in the window, yes. It was like a pull back or something.

: Did his head go into the window so that it disappeared from your view?

: No, like no, it didn't disappear from my view.

: So, I mean, if it is any different than somebody coming over to the car and talking to them, is that what you are saying you saw?

No, I saw like a pull, like a wrestle, I can't say I exactly saw where the cops hands were, but I did see a wrestle.

: I don't understand what wrestle means?

: Like a tussle back and forth.

: Let me ask you this. You see Michael's hands on the doors pushing against the door?

Uh-huh.

: He is pushing himself away

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from it?

: Yes.

Could you tell whether he was pushing himself away from the door or pushing on the door, was the door closed at the time?

Yeah, the door was closed.

Did you see the door open?

: No, they always had the door closed.

: Could you tell the difference whether he was pushing against the door to keep it closed or pushing himself away from the door, could you tell that?

It was like he was pushing away from the door, like trying to pull off. Like the only time I saw like a tug on Michael is whenever his arm, he was trying to like yank away and like his shirt was like, you know.

: So when you are on the news you told, actually that his whole body stayed out of the vehicle the whole time that you saw him; is that right?

: Uh-huh.

So no part of Michael Brown's body was in the vehicle from what you saw?

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: No, like I saw them pulling back and forth. I never seen like his whole body be inside of his vehicle.

Did you see anyone else, like someone walking by, anyone on foot that may have witnessed this?

: No, I don't remember seeing anyone else.

Is that because you were so focused?

: Yeah, what was going on, so I can't say I seen anybody else.

You can't say there was somebody else around?

: Yeah.

: We need to take a break, is that okay?

: Uh-huh.

: Do you mind if we leave the recording on or if we turn it off.

You can leave it on.

MS. ALIZADEH: It is 11:58 a.m. and I paused the recording of the FBI interview of at 40 minutes and 19 seconds because they actually are taking a break in the interview and the

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jurors thought this would be a time we would break for lunch. So at this time we are going to have a break for lunch and let me know how quickly you want to resume. I'll keep you posted on if the witness is here when he's supposed to be here.

(Lunch recess)

MS. WHIRLEY: It is approximately 12:49, we are still on September the 25th, 2014, and we were listening to an interview by the Federal Law Enforcement Department of .

We're going to conclude that interview and then after that, we do have a witness here. His name is . We will talk to and then we will see where we are on time.

Kathi will be joining us in a little bit, so we're at 4019 is where we stopped it and I'm going to resume that interview now.

(Resuming the interview of .)

: We have some more questions, so we have a better understanding, okay?

: Okay.

We are not trying to suggest anything.

We started back at

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approximately 5041.

: Again, if there is anything mischaracterizing or misunderstanding, definitely help us, okay?

: Uh-huh.

: Where you parked your car, can you describe for us, I mean what you did, when you parked your car.

I got right out of the car and I start walking towards s house to see what was going on.

Sorry, you said you parked your car, got out, before you got out, did you take the keys out of the ignition?

: Uh-huh, yes.

Did you grab anything, did you have any stuff with you, anything like.

: I just got out of my car and grabbed the keys and got right out.

When you got right out, where did you go?

: I start walking towards house, cutting across the grass.

: Did you continue walking as you are looking at what is going on.

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Uh-huh.

: Yes.

Yes.

Okay. And did you start going up to, going up to s apartment while this is all going on?

No, by the time I got right over here that is whenever, I got right to this point, that's whenever I saw he was going down, like whenever. Before I got to her first steps, he was already laying on the ground. I saw him next to the ground.

: Okay. Did you go down into the foyer while you were walking?

No.

Can you describe when you saw Michael first begin to turn around, can you describe in as much detail as you can, what he was doing? I know you said he was running.

Yeah.

: But now and then.

His body jerked.

: Okay.

: He was still faced like the opposite way of me, so I just saw his body jerk and

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then he stopped where he was and turned around and putting his hands up as he was turning.

: When he was running, do you know where his hands were.

No.

Okay. When he stopped, do you know where his hands were with his body (inaudible).

: Uh-huh.

When his hand -- (inaudible).

Whenever he, whenever he jerked, he was like, and then he just like this. (indicating)

His hands starting coming up when he jerked, like when he jerked his hands starting coming up?

: Like, you know, if you jerk like that.

: You are showing almost involuntarily his hands jerk; is that correct?

Yeah.

I don't want to mischaracterize it, but based on what you are showing me happening, the body jerked, like body jerking, like his hands just kind of moved as part of the jerking?

: Yeah.

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: Okay.

: As he jerked, his hands kind of flew up?

: Yeah, like that.

: Okay. Can you describe, did you see any sort of blood or injury at that point?

: I didn't, I couldn't see. I didn't see blood until when he laid there and started pouring from him. It didn't register to me that he was dead until I saw the blood. I didn't see any of that.

As he was turning around, did he put his hands anywhere on himself?

: No.

: No?

No.

Did you notice anything about his hands or his arms?

That they were, whenever he turned around, no. Only thing I notice that they were up in the air like he just went down like that, he was getting shot it was like huh, huh, huh and he fell to the ground.

: So you are saying, I wanted to see if I can characterize this correctly.

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With the jerking movement, as you just showed us, his hands kind of went up, that kind of involuntary jerking motion?

: Uh-huh.

: It was kind of all one motion as he turned around with his hands up and then fell to the ground; is that right?

No.

: No, okay.

: So when he jerked that's when like whenever, that's what happened where his hands were at. I can't say where his hands was until I saw his jerk and that, that is when I saw like come up. It was involuntary because it was just like a reaction to a jerk. That is whenever he turned around and put his hands up like that.

You show with his palms up, were you able to see his two palms?

: Uh-huh.

: Yes?

: Yes.

: Okay. Was his arms and hands the same level that they were at when you first, when his arms first jerked?

No, it was starting to go

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up.

: They started going up, you notice something about his palms, you were able to see them, correct?

: Uh-huh.

Yes?

: Yes.

: Was there almost simultaneous as he turned around in that position, then the shots kept going and he started going to the ground?

: Uh-huh. They were like right behind each other.

: Right behind each other.

: Yeah.

: So like one big movement right, the jerking and the turning around and hold them up and he went to the ground.

Yes.

: Was he already kind of going to the ground as his hands were up?

: Once he faced the officer, he started going down once he faced the officer and his hands went up, he just started going down to the ground as the shots was hitting him.

: So do you remember, okay, it

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was kind of one motion, one series of events.
: Yeah, it was.
Okay.
: Just to be clear for the tape, hands up, you got them basically at shoulder level or your level, something like that?
: Yeah.
: Okay.
: How far did Michael go in this direction?
: About to right here where he fell.
Okay.
: That's as far as he went where he turned and fell.
: Uh-huh.
: That's as far east on Canfield as he went?
: Yes.
: Okay. I'm fine. One thing that struck me earlier, you are talking about afterwards, after you went up on 's balcony and you talked to her for a short time and you said you called your fiancee; is that right?
: Yes.

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: Was that still on the balcony there?
: Uh-huh.
: When you call your fiancee.
: Yes.
: Did you call the news from the balcony also?
Yes.
: Was with you on the balcony at that time.
: Yes.
: At the time you made those calls?
: Uh-huh.
Okay.
: Is there anything else you want us to know about this?
No, that's all that I know.
: Is there anything that we didn't ask you that we should have asked you about?
: No, I don't think so. I can't think of anything.
: Is there anything that we mischaracterized or we misunderstood, I know we went over with you several times.

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No.

: I know we've asked a lot of detail here today, that's our job, okay. But you feel like basically we have been fair to you today and basically let you tell us what you know?

I think we tried to make you say something you did want to say?

: I didn't get that part about what you asked me at the truck, did you see this and you asked me different ways.

Okay. I'd like to clarify that. I don't want you to leave thinking we were trying to get you to say something you didn't want to or some misunderstanding.

So tell me about the truck that you were just referring to tell me.

: When you asked me were they pulling, was it a tug of war or did you see the officer's hands. No, I didn't see the officer's hands, but you can tell when somebody is being pulled.

: Okay, that's fair. So you are saying that even though you didn't see what was pulling him, it is your perception that Michael Brown was being pulled?

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Yes.

: Do you know what part of him is being pulled?

: No, I don't. It looked like it was his shirt.

: You are talking about that is when he was jerking away, correct?

Yes, I did see the shirt, like this part of the shirt being pulled.

: You are showing the sleeve part?

: Yeah, yeah, whenever he turned his arm, like turning off, he was trying to pull it out. (inaudible)

: His right sleeve?

: Yes.

: Okay. And so what about right before that, were you able to see him being pulled?

: Yeah, I didn't see exactly what was being pulled, but you can tell if somebody is being pulled without seeing what's pulling him.

So your perception from your vantage point that Michael Brown is being pulled?

: Yes.

: You couldn't tell from what

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part of his body he was being pulled?

: No.

And no part of his body, as far as you could tell, was inside the car?

: No, I can't see, like his hands is like okay, I can't see his hands went all the way into it, but it was just like, you know, like through the window like, like a little back and forth.

: Is Michael Brown's head in the window a little bit is what you are saying?

: Yeah, I can't say, like he didn't go all the way into like that, but it was like a back and forth thing right there through the window.

: Okay.

: You never saw Michael Brown's hands go inside the window?

No, I didn't. I can't say that they didn't, but I didn't see them.

: Is there a point you didn't see the entire thing where it is possible it could have gone in the window, is that fair?

Yes.

: But you didn't see

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everything that was going on there inside the vehicle?

No, not before, no. I was looking at my phone.

: Right. Looking at your phone and parking as well.

: Yeah.

: So there were portions of this where you actually didn't have eyes on what was going on in street; is that fair?

Yes.

: And after you parked your car, were there other times then, for example, as you are getting out of your car where you may not have had eyes on the street the entire time?

No, wherever I got out of my car, I started walking right toward it, more like I saw it from whenever I saw the officer come from his car, I saw Michael going down.

: I'm talking about where you parked and were getting out.

: As I was getting out, I couldn't see on the other side of that car. I can't say how fast the officer got out of the car and, you know, exactly what he did on that side because I'm

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on this side, on the passenger side of the vehicle, not the driver's side.

Have we clarified all of that now?

: Yes.

: You feel like we were trying to get you to say something that a you didn't want to say?

: No.

: We treated you fairly?

: Yes.

All right. If at any point weeks, day, months whatever come up, you want to talk to us again and you think there is something we need to know, you want us to know, don't feel like this is one shot and that's it, okay?

Uh-huh.

: You can always call the FBI, call you can have your lawyer call myself or , we are always open to new information from you or anybody else. We don't want you to feel like you lost your opportunity this is it, okay.

Oh, that's fine, thank you.

: Thank you.

: We have to clarify that you

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drew on the map this is where Michael Brown last stood; is that correct?

: Uh-huh.

: Okay. Are you sure?

: The place where he last laid?

: Where he turned around, where he last was?

This was his last place right there where he fell.

: I didn't want to put words in your mouth, I didn't see like you were understanding what I said so. I'm just going to say where Michael Brown last stood; is that correct.

: Uh-huh.

That dot or this rectangle was the vehicle, the truck, the police truck?

: Uh-huh.

Okay. Just going to say police vehicle. And this X was, do you remember?

: I don't remember why I made the X right there.

I think this is what, where you said they were when you were getting out of the vehicle, does that sound correct?

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Are you sure? We can leave it blank.

I don't remember why I made this.

That's fine, we just won't identify it. Do you remember what this was?

No.

Okay. All right. So is this okay for me to put these two items.

: Yes.

Okay. Could you sign and date this just anywhere, please?

Okay. Do you have any questions for us?

No, that's it.

: I'm going to stop the recording. The time is 4:16 p.m.

(End of he playing of the interview.)

MS. WHIRLEY: That is the conclusion of the interview with the federal, during the federal investigation. Now it is approximately 1:06 p.m. for us our time. We are preparing for our next witness. Do you have any other announcement?

So I will go get our next witness.

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q I'm Sheila Whirley, Kathi Alizadeh is here, both with the prosecuting attorney's office, also all 12 jurors are here, the court reporter and we are now talking with .

A Yes.

Q Could you introduce yourself and spell your name for everyone, please?

A My name is . ,

Q All right. And keep your voice up. You see a microphone, it is not going to make your voice louder, it is just recording, okay?

A Okay.

Q All right. you know why we are here?

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A Right.
Q This is concerning the Michael Brown shooting?
A Uh-huh.
Q That occurred on August the 9th, 2014; is that correct?
A Yes.
Q It would have been what day, do you recall it happening?
A That was on Saturday.
Q Saturday, okay. Now, you were in that area of the shooting of on the day that it occurred?
A Yes.
Q Where were you, tell us what happened that morning, how did you start your morning on August the 9th that Saturday?
A Um, I was coming from a young lady's house, coming from the back apartments, I think there's, I forgot the actual name it is, but coming from her house.
Q Speak up a little bit.
A Coming from her house, you got the Canfield Apartments.
Q Now, the apartments --
A I mean Canfield Street, making right.

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Q Okay. We have a map here, I don't know if it captures the area that you are discussing, but can you tell us looking at this map, and here is a pointer, you use it like this, push that button?

A Okay.

Q Which area can you tell from this map where the area is that the apartments are that you were coming from?

A Where, this is West Florissant.

Q This is West Florissant, right?

A Yes.

Q Okay. And that's Canfield Drive?

A This apartment is back over in that way.

Q Okay. So they're not actually on the map, but they're further east?

A Right.

Q From the Canfield Green Apartments?

A Yes, end up this is Canfield, yeah, making a right this way.

Q Okay. You are driving down Canfield Drive?

A Yeah.

Q What kind of car are you in?

A A Monte Carlo, two-door white Monte Carlo.

Q Who is driving?

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A

Q You are the passenger?

A Yes.

Q Anyone else in that two-door car?

A No.

Q Okay. So show us your pathway again?

A So end up making a right here, so as we are coming down one of these side streets is like a dead end for right here, and the officer came off one of these streets right here, I think it might have been this one. (indicating)

Q When did you see the officer?

A When we made a right coming down, he basically jumped in front of us.

Q The officer came out onto Canfield Drive?

A Right.

Q Now, before you go further, do you recall approximately what time it was, what time of day?

A Almost 12.

Q Close to noon?

A Uh-huh.

Q And when the officer, you say he jumped in front of you, was he like, did he have red lights and siren on or something appear to be happening?

A No.

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Q Okay.

A So he came, he got up to the Canfield area, I mean, street or whatnot, he got a little further off going a little faster or whatever, so we coming in behind, that's when kind of, almost got right behind him because he had confronted Mike Brown and his friend Dorian.

Q Okay. For the record, we are using Grand Jury Exhibit 25 when we refer to the map and you are showing us the locations at what point on that map are you saying you guess he confronted Mike Brown and Dorian, where on the map?

A It is like, let's see, it is somewhere right here. (indicating)

Q Okay. And why do you say you guess, do you know or you guess?

A No, I'm saying it is right here.

Q Okay.

A So that's where -- so that's where we are coming down. whatnot. So I guess he was, the police was about right here somewhere, talking to him or whatnot, they didn't comply.

Q How do you -- what did you know, did you hear them talking?

A No, I didn't hear nothing at all.

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Q You just heard later about them not complying, is that what you are saying?

A I'm saying it was the police stopped.

Q Okay.

A And said something and that's, Mike Brown kind of looked back and just both of them kept walking, him and Dorian. And that's when he came back real fast, Officer Wilson, and kind of catty-corner the car and almost hit Mike Brown, and jump back and that's when we were actually behind the police car, the Monte Carlo.

Q So where would you have been, the Monte Carlo?

A It was like, I know we was like right here being by this sewer, like a little bit in front of, you know, the entrance right here.

Q Okay. And could you pass the car, the police truck, could you pass it?

A No.

Q Did you drive around it?

A No.

Q Okay. So you were blocked?

A Basically, yes.

Q Behind the police car?

A Yeah, and after that, after somehow I

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couldn't see because it's a tinted window on the back of the truck so, um, somehow Mike Brown ended up by the window or whatnot.

Q Which window?

A The police car.

Q Which window?

A Driver's side.

Q Okay. Driver's side?

A Or whatnot, so the only thing I could see is like under the car.

Q Let me ask you this, was someone with him, you did say Dorian was walking with him?

A Uh-huh.

Q Where was Dorian at this time?

A Um, as he was at the window?

Q Yeah.

A He was like, he was like, right towards, when he was looking at it, I guess I could show you all, I guess he is looking at them in the scuffling, he looked, he kind of tripped over his foot and just, you know, ran off whatever he seen because I couldn't see. I couldn't see and whatnot because the truck was, you know, catty-corner or whatnot.

So from then I was just like seeing Mike Brown feet under the car.

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Q What was his feet doing?
A Just moving like, you know, back and forth and truck starts shaking like two or three different times.
Q What did it appear to you was going on?
A A scuffle, a scuffle and whatnot.
So from then after that happened I heard like a shot, just a shot, a small shot. It wasn't too loud, it just was a shot.
Q Could you tell where the shot was coming from?
A In front of us.
Q Could you tell --
A The police car.
Q It sounded like it was happening inside the car?
A Yeah.
Q Or outside?
A Well, I know he was outside the car and the police was inside the car, his feet was on the ground, Mr. Wilson's wasn't.
Q But the shot, where did it sound like it was coming from inside or outside the car?
A Inside the car.
Q Okay.

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A So from then I end up telling , this don't seem right. After I heard that first shot back up, back up and open your door, open my door, so we don't catch no shot or what else is going to go on.

Q So why did you want the doors open?

A So we could duck.

Q You felt you could duck better if the door was open?

A Yeah.

Q I see. So where does he back up from the police car?

A Yeah.

Q And where was she when she backed up?

A We're kind of like, like this is the sewer right here.

Q Okay.

A We wasn't nowhere like right here where we could turn in, you know, to be kind of like right here.

Q Okay.

A A little bit in front of the sewer or whatnot.

Q Okay.

A So from then, as soon as like we backed

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up, Mike Brown ran on her side, I meant the driver's side coming from the officer's car, like limping a little bit, gasping for breath.

Q Who was limping?

A Mike Brown. So I think his slipper came off or something like that.

Q His what?

A His shoe, his shoe he had on or something like that, I think it came off. But, um, so that happened, that's when I heard a second shot. That's when we he started ducking, we end up ducking.

Q Well, let's see what better clarity, what was going on when you heard the second shot. So you heard the first shot in the car, what happened once you heard that first shot?

A Back up and open the doors.

Q Okay. And what was happening?

A About when we stopped, that's when Mike Brown was running around her side.

Q The side, the driver's side of the car?

A Of , yes.

Q You saw him running?

A Yeah, like, you know, like scooting off.

Q Okay.

A Not actually running, running, running,

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like scooting off, walking fast.

Q What was the police officer doing?

A I couldn't see him still.

Q Okay.

A I just heard another shot.

Q You heard another shot?

A Yes.

Q While Mike Brown was kind of scooting or running?

A Yeah, right.

Q Did he have his back to you at that time?

A No, I was looking on his side, I was on in the passenger side, so I'm looking at his side.

Q Okay.

A So his back to the officer.

Q Let me ask the question again, his back was to the officer?

A Uh-huh.

Q Okay. He was not facing the officer when you heard the second shot?

A Huh-uh, no.

Q Okay, go ahead.

A End up, you know, halfway ducking down. So as I'm ducking down, you know, catty-corner from my eye and I see Dorian. Like I don't know how he

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got from, you know, from over here, you know, going to the side of this street to being all the way over here, I was, I didn't see nothing, none of that.

So the second shot I heard, I end up seeing, ducking down and seeing him like, who is this, you know, and I end up recognizing who it was.

Q Did you know Dorian before that day?

A No.

Q Did he say anything when he came around to the side of the car?

A Huh-uh, not at the time, not yet.

Q Okay. Okay.

A And then I did say like the second shot, said like a good four, five, six seconds, and that's when I see the officer, Mr. Wilson, came the same way as was. You know, he's gasping for breath, had his gun down, just going toward him.

Q Was he running or trotting?

A Just trotting, like huh, you know.

Q Okay.

MS. ALIZADEH: So who's trotting and gasping for breath that you just described?

A Mr. Wilson.

MS. ALIZADEH: The officer?

A The officer.

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MS. ALIZADEH: Okay, all right.

A So, uh, and then I end up looking out the back window, I guess, coming down the way or whatnot. Like the whole time I don't know, I blanked out or whatnot because I'm not hearing anything, but I didn't hear nothing from the time that they was at the truck. We are both, from the officer's truck to the time he was running and whatnot because I guess he had got down the street some, a little after him or whatnot.

Q (By Ms. Whirley) So the officer was trotting with his gun out?

A Yeah, it was down here.

Q After Mike Brown?

A Yeah.

Q Okay.

A So basically from then I'm looking out the back window, is looking out her little rear view mirror. So I guess they got down the street, you know, got down towards, they still in the yellow line the whole time. So get down, get down a way and Mike Brown kind of swayed and turned around. His hands weren't fully up, he kind of turned around and he was just like that, and then he slid off three more shots and fell on his face. (indicating)

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Q So the officer shot him while his hands was like this? (indicating)

A Uh-huh.

Q And the way you demonstrated was his hands were --

A Halfway.

Q Like shoulder length?

A Uh-huh.

Q Okay.

MS. ALIZADEH: Can you demonstrate again, I missed it, I was writing.

A Like, uh, I guess, I guess from where the officer was at, he must have said something to him. I couldn't hear that far back, you know. He was probably, he was up by some other cars, so I couldn't hear that far or whatnot. So I guess he end up putting, you know, his gun up and saying something to him, like get down or something.

Q (By Ms. Whirley) You are guessing about that?

A Yeah.

Q You didn't hear that?

A Yeah, I didn't hear nothing the whole time.

Q All right.

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A As I guess he said something, you know, if you are looking just to visualize or whatnot, turn around, like slow his hands like slow.

Q Mike Brown?

A He wasn't fully up in the air or nothing like that, he was just like this, and then boom, boom, boom, three more shots and he fell down, hit his face and fell on his arm and hit the ground.

Q When he turned around and raised his hands up shoulder length, did he charge at the officer?

A No, no.

Q Did he move in a threatening way towards the officer?

A Not that I could see, no.

Q You didn't see him threaten the officer?

A No.

Q As if he was coming to do him harm?

A No, the officer wasn't that close, he was not close at all to him.

Q Like how far away would you say the officer was when he turned around with his hands up? Was it longer than what this room allows? I mean, if I'm back here?

A I'd say from here to that corner basically.

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Q From where you are to the corner?
A Yeah, or from the door to there.
Q So like 15, 20 feet you're saying?
A Yeah.
Q Okay. And that's how far the officer was when he fired the last shots?
A Yes, that I heard.
Q That you heard?
A That I heard.
Q Did Michael Brown stumble toward him in any way or come at him?
A I just seen him drop.
Q Did he move again once he dropped Michael Brown?
A Like I'm in the back seat, like he's on the ground, I can't see no more after that.
Q Okay.
A And unless I got out and whatnot. So from seeing that and whatnot, I got doors are still open. So the first thing Dorian say, can you take me down here? I'm like, hell no.

So prior to what they did at that store, I didn't know nothing about that. You know anybody ask you something like that, you are like no.

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Q Shots were being fired, you don't know what's going on?

A Right.

Q Is that right?

A I mean, the three shots he dropped or whatever, I'm just saying after that, you know, like messed up or whatnot, he asked to get in the car and take me down here and this and that. I'm like, no, skirt off.

So about the time then the police officer catty-corner right here, so I told her to, you know, leave him where he was at, got up here, we got up here by the police car like right here. On the side is the apartments, you know, catty-corner. So by the time we got up there, other police were coming through, coming from West Florissant indene came like straight at us at first.

Q Was there more than one car?

A It was like, I think it was like three, four, five of them trucks.

Q Okay.

A So they came like straight at us, but then, I guess, one of the other trucks stopped and they turned, they just went on around towards the body.

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So from then, I just told her to gradually go in that grass and we left.

Q So you didn't see what they were doing once the police arrived because you left, right?

A Yeah, we left.

Q Did anyone try to stop you and talk to you about what you may have seen that day?

A No.

Q Okay. All right. So, go ahead.

A Let me say something I just forgot too. So when we got here by the police car, basically we got stopped seeing other officers coming in, I end up getting out, you know, to look back and whatnot.

MS. ALIZADEH: I'm sorry, I couldn't hear what you just said, you ended up getting out?

A Yeah.

MS. ALIZADEH: Okay.

A I seen the other officers was coming in or whatnot, and her getting up beside, you know, of the truck. Because we end up stopping because the police I thought were going to block both sides, but they end up didn't. They came straight at us and they went on around towards the body and whatnot.

And the other officer I end up getting out of the way of him. I looked back and I

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just seen the officer checking his arms or whatnot. I don't know if was checking for blood splatter or whatever or whatnot.

After that, got in, started to gradually go through the grass and we left. That's why I say at the end.

: Now, when you say he was checking his arms, Officer Wilson was checking his arms?

A Uh-huh.

Okay, all right, thank you.

: . On the map could you indicate to us about how far towards, how far east, I should say, Mike Brown ran before he turned from where he stopped?

A I would say it is like, you know, going up by this way. Where his body was at, that's how far he went. Well, over by this tree, well, not this tree here, but like, you know, a little right there, that area, yeah.

: When you were witnessing this, did you happen to see was it like another car that came behind you as well?

A It was like, I'd say, I'm trying to, you

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know, put in about time. I'd say about, ended up being like two to three cars behind us.

Do you remember like the color any of those cars, what kind of make or model they were?

A I know it was a burgundy car that was back there that a young lady was in.

MS. WHIRLEY: Do you know the young lady?

A Uh-huh, no. In a black truck, that is all I remember.

MS. ALIZADEH: Where was the black truck, behind the burgundy car?

A I think it was in front of that one, I think.

MS. ALIZADEH: Do you know who was directly behind s car, not who, but can you tell me what car was behind s.

A I know it was a smaller car, smaller vehicle. I don't know, it might have been a white or a gray car. It was like a truck and a burgundy car.

MS. ALIZADEH: And where were the truck and burgundy car in relation to the car you were in?

MS. WHIRLEY: Show us on the map?

A Behind, basically, behind us.

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MS. ALIZADEH: Behind you?

A Yeah. Like I said, it was like a smaller car behind us, I don't really remember what color, it my have been gray or white, but I know that car was a black one and a burgundy one.

MS. ALIZADEH: Let me ask because I know at some point, you and I have talked a little bit about this, right, briefly?

A Uh-huh.

MS. ALIZADEH: You said that as Michael Brown ran past, you turned in the car and watched through the rear, back of the car.

A Yeah, the mirror, yeah, the glass.

MS. ALIZADEH: Through the windshield.

A The back glass.

MS. ALIZADEH: I don't know what you call it, back windshield.

A Uh-huh.

MS. ALIZADEH: So you are looking out the back window of the car, the back windshield?

A Uh-huh.

MS. ALIZADEH: And so when you first turned to look out the back windshield, was there already a car behind you?

A Um, I think it was like one, I think it

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was like one at the time.

MS. ALIZADEH: You said that was a smaller car?

A Yeah.

MS. ALIZADEH: Now, you also said that there was a truck, like a black truck?

A That was the time that I got out, yeah.

MS. ALIZADEH: Black truck came after?

A Yeah, that was after, it was like still clear out there.

MS. ALIZADEH: Okay. Somebody else had hands up?

: . I was trying to make sure I have this correct. You said that, was it officer Darren Wilson you said that was trotting down the street after Michael Brown and appeared to be gasping for breath?

A Yeah.

With the gun down by his side?

A Towards the ground, it wasn't like up or nothing like that, it was huh, like that.

Okay. Then with Dorian, did Dorian, you said he appeared out of nowhere or something?

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A Yeah, like, I guess, when Mike Brown and the police was tussling.

: Uh-huh.

A As I'm like looking out the car.

: Uh-huh.

A And see, I guess, Mike Brown towards the car, you know, his friend is like right on the side, like on Mike Brown's right. So that's the other side of the street he end up going to. I guess he seen what's going right there because I can't see behind, you know, the police tinted window.

: Okay.

A It is catty-corner. So he ran off somewhere over here.

Okay.

A Like I say, by the time I heard that second shot, ducking and looking, that's when I seen him on the side of me like, like where you come from. You was just going on the other side of the street.

So I don't know if he ran right across the street or went around or something, I don't know.

: Okay.

A I end up seeing him after the second shot.

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: So where you are positioned sitting in your vehicle, I don't want to assume this, is your vehicle straight, directly in the lane, you're straight in the lane?

A Yeah.

: The officer is catty-corner?

A Yeah.

Toward the front of your vehicle?

A Uh-huh.

: When you say, when you are looking at the officer's vehicle, are you looking at basically the rear panel, like the trunk area?

A Uh-huh.

: Back glass and the right side or the right rear quarter panel right side of the vehicle?

A Yeah.

: So we are looking at this corner. So you are trying to see through the glass or whatever?

A Yeah, but it is just, you know, fully black tint, so.

: Okay, all right. And so,

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Dorian, if I'm understanding you correctly here, at that point is Dorian, let me say state this correctly, is Dorian and Michael, are they both on the driver's side of the officer's vehicle at that time that you see the feet underneath struggling.

A No, Dorian had been left.

: Dorian had gone?

A Had been left.

: Okay. Dorian was not there. Then when Dorian shows up again, is he at the passenger side of your vehicle?

A Yeah, like two doors, he is like, he is on the side part, you know, ducking down too.

Okay. And you said before, is her name ?

A .

Okay. So was driving, you are in the passenger seat of the Monte Carlo?

A Uh-huh.

Okay. He shows up and says man, you know.

A That's at the end, you know, from me seeing him shoot Mike Brown and, you know, like end up talking, like messed up, whatnot. And first

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thing he said, can I get in, can you take me down here. I'm like, no, I don't know you.

: Uh-huh.

MS. WHIRLEY: No, you go ahead.

A I didn't.

: You did not know Dorian then?

A No.

Okay. Just some random guy that said, hey, man take me somewhere. I don't know what's going on.

A Yeah, he was probably just scared like. I said, he wasn't getting in no way.

MS. WHIRLEY: So to be clear, the point where Dorian was at the car asking to get in, the shooting had already occurred?

A Right.

MS. WHIRLEY: So before the shooting occurred, was Dorian at, just kneeling by the car without saying anything?

A He didn't say nothing, on the second shot, he didn't say nothing.

MS. WHIRLEY: Was he in a position to see what was going on?

A He was in a position to see everything.

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MS. WHIRLEY: And coming back to your question, when you first saw Dorian and Mike together.

A Uh-huh.

MS. WHIRLEY: They were both walking down the middle of street?

A Uh-huh, on the yellow line.

MS. WHIRLEY: On the yellow line. And the officer, you were behind the officer and he backed up real fast you said?

A Yeah.

MS. WHIRLEY: Almost hit Mike.

A About hit his foot almost.

MS. WHIRLEY: You could see that?

A Uh-huh, he jumped back from it.

MS. WHIRLEY: And was Mike pushing him, preventing him from getting out of the car from your view?

A I couldn't see all of that because the truck was already catty-corner, that's why I was saying how he ended up right by the police officer's car.

MS. WHIRLEY: The officer almost hit him he was so close when he came back.

A Yeah, he just, I don't know if he ran up

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there and pushed the door, he might have seen it coming open, I don't know, I don't know none of that part.

MS. WHIRLEY: Okay. When the car comes back and Mike Brown is at the door, where is Dorian at that time because you said they were both walking down the street, were they both by the door?

A Probably, well, I got to say exactly.

MS. WHIRLEY: Tell me what you saw, not probably.

A I basically saw him kind of, you know, slow and walking away from, I guess when Mike Brown ended up being at the door, he was basically, I saw him going kind of slow across the street and he ran off real quick. I guess not wanting to be a part of it.

MS. WHIRLEY: Okay.

.

So when the police officer backed up.

A Uh-huh.

: You say he almost hit Michael Brown's foot?

A Uh-huh.

: That's when Dorian ran away?

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A No, he didn't, he didn't run then, like I was saying. I was saying Mike Brown somehow ended up by the police door.

: Michael Brown did?

A Yeah.

: At what point did Dorian leave?

A Basically as this is happening, he is gradually slow -- slow across and just end up running, like it wasn't no full-fledge run, like walking, like he run like this.

: So there was nothing going on between the two men or the police officer, it was always Michael Brown and Officer Wilson?

A Not yet, not yet. Like I say, whatever, you know, probably Dorian saw you shut the door on him, I don't know, I couldn't see that.

MS. WHIRLEY: We don't want you to guess, right, just tell us what you can see.

: You can only see their feet?

: I can only see Mike Brown's feet.

: And the car moving?

A Yeah, back and forth, side to side.

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: So it obviously was a little bit of a hard --

A Right, right.

: Okay.

: . I had one more question.

MS. ALIZADEH: Sheila interrupted you, that was not right.

MS. WHIRLEY: No, I didn't.

At any time did Dorian position himself, to your knowledge, that you could see, at any time did he position himself at the trunk of your vehicle and between this other vehicle that was parked behind you or that was stopped reportedly behind you?

A The trunk?

The rear part of your vehicle, the trunk end of your vehicle?

A Uh-huh.

: Was Dorian ever positioned there at any time?

A The back of the car we was in.

: Yes?

A No, he was on the side, right on the side.

: On the passenger side?

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A Basically, like I said, the second shot, he end up ducking, that's when I seen him too. He basically ducking down like this looking, you know, just looking.

: He's like on the passenger side at the rear portion of your vehicle?

A Yeah, like by the tire.

: Okay. Never by the trunk, okay, thank you.

: . How soon would you say the struggle began?

A How long was it I think?

: When you said you saw the police vehicle come back at him at a rapid speed and stop.

A Uh-huh.

: How soon would you say the confrontation started?

A Oh, man, three seconds. No, like from Mike Brown being by the door, about three seconds, might have been two.

: You never heard nothing?

A Not the whole time, music down and everything. I didn't hear stop.

MS. WHIRLEY: Windows down?

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A Windows down, everything.

: . So from your perspective sitting in the car behind the police vehicle, you know, you said you see feet moving, Michael Brown was a tall man, could you see his head over top of the Tahoe or was it --

A No, because the way the truck is, like I say, it is all tinted windows, big glass windows and you ain't going to see nothing.

MS. ALIZADEH: Like over the roof of the car, could you see his head above the roof of the car?

A No, no.

MS. ALIZADEH: So let me ask you this because that was going to be my question.

A All I'm looking at is tint, that's all I'm looking at.

MS. ALIZADEH: Okay. Imagine this, I mean, we now know how tall Michael Brown was, okay?

A Uh-huh.

MS. ALIZADEH: And at some point, we're going to learn how tall the roof of the Tahoe was, okay?

A Uh-huh.

MS. ALIZADEH: If Mike Brown is taller

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than the Tahoe's roof, if he is standing there and standing upright.

A Right.

MS. ALIZADEH: Would you have been able to see the top of his head or some part of his?

A No, because where I'm sitting is down here.

MS. ALIZADEH: Is lower?

A Right. Even if he is tall, I wouldn't be able to see him.

MS. WHIRLEY: Because you are in a Monte Carlo, it sits low.

MS. ALIZADEH: So your position is further lower?

A Right, yeah.

: Did you happen to notice where Dorian went after the shooting?

A No. As I told him to go on, we got by the police car, that's when other police came in. Like I say, when I got out, I didn't see him nowhere. I didn't see him on the ground or nothing.

: Forward or backwards, you don't know?

A No.

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MS. ALIZADEH: You can sit down if you want, , we don't mean to make you stand up.

Did you happen to notice to your right there's a parking lot, grassy area, did you notice anybody else in that area right after the shooting or during the shooting, would have been on your right side?

A Like my right side over here. There was like, I just seen somebody in a pink shirt. I don't know from what balcony or exact or whatnot, but somewhere over there, you know, glimpsing, going and looking to the right or whatnot. It wasn't a full fledge of people until when I left.

Up on the ground or parking lot or getting out of the car or right there?

A Uh-huh.

You didn't see anybody?

A No, just people in the apartment like straight ahead over here.

: Okay.

A My eyes was, you know just looking. That's the first thing, you know, when I got out and turned, I just seen pink a shirt.

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: You saw somebody on the balcony.

: . So you are saying you drove through that little field to get away?

A Just drove right here on the grass part, where the grass is, went around the police car.

And you didn't see anybody standing in that area watching?

A Huh-uh, no.

MS. WHIRLEY: Were you looking for people?

A Huh-uh, no.

: Somebody could have been there, but you just didn't recognize seeing it?

A Yeah, right.

: You were wanting to go?

A Yeah, exactly, yeah.

When this scuffle was going on, you said you could see Michael Brown's feet kind of moving and shuffling. Did you ever, did it ever appear to you that he stepped back and then went to the car and then stepped back again and went to the car?

A Like, I mean, I guess you can kind of say, what you mean like letting go and coming back?

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: No.

A Yeah, like dancing movements. It wasn't like standing still hitting or punching, it was like a dancing, like they was probably just grabbing each other or something, and just moving around, just back and forth.

: Did you hear the shot at the car or did you --

A The first shot?

The first shot.

A Uh-huh. That's when I told her to back-back, open the doors and basically take cover if we hear another one.

: At that point did he turn and run?

A Who?

: Mike Brown, sorry, Mike Brown.

A From the first shot?

: Yeah.

A Like when we back, we back-back, as soon as we stopped, that's when he start coming on s side.

You didn't hear a shot and then he went back to the car and scuffled with the

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officer?

A No, they was basically still right there. They was still right there after the first shot. And by the time got to we back-back slow, slow, wasn't no fast move back, this was slow. So by the time, I guess, probably the time we back-back, it was probably like what, five or six seconds, that's when end up seeing him running past her door.

: . To clarify, five or six seconds past after the shot before you saw Michael Brown leaving or running, so he might have stayed at the window for a few seconds after the shot?

A Yeah, uh-huh.

. Did you ever see a passenger vehicle, like a Windstar minivan in front of the police vehicle pull up literally nose to nose? Did you see another passenger vehicle? I know you are blocked by the police vehicle, might be difficult to see the other side, did you notice another passenger vehicle approach from the West Florissant side and pull up in front of that police vehicle?

A No, I didn't notice it, no.

MS. ALIZADEH: , when you

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were leaving and you went around the police car.

A Uh-huh.

MS. ALIZADEH: Were there cars on the other side of the police car?

A Coming in?

MS. ALIZADEH: Yeah.

A No.

MS. ALIZADEH: You didn't see any cars?

A No cars coming in the whole time that I seen.

MS. ALIZADEH: Did you drive straight out Canfield to West Florissant?

A Yeah.

MS. ALIZADEH: Did you see anybody standing in the street or in the yards of those houses?

A No, not as I remember.

MS. ALIZADEH: Not that you remember?

A Huh-uh.

MS. ALIZADEH: And I have some other questions, but not kind of at the scene. So let's stick with questions about what happened at the scene if you have any.

MS. WHIRLEY: Anything else at the scene?

MS. ALIZADEH: Okay. So I

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just, I know you said is driving and after you left the scene, where did you guys go?

A We went up, I told her to take me home, but went up on the side, what's that street, what's that Ferguson, on the side of Ferguson Market, is that Ferguson or something like that?

MS. ALIZADEH: So you went out to West Florissant, then you make a left?

A Made a left and quick right by that store.

MS. ALIZADEH: Okay.

A And went on out to Pagedale.

MS. ALIZADEH: You don't live in Ferguson; is that right?

A No.

Q (By Ms. Alizadeh) Are you familiar with Ferguson, the area?

A Uh, that street, from going through that street, that was about my second time going through that street, well, third time from the incident.

Q Do you know, does live in Northwinds Apartments?

A Yes, I just thought about it, Northwinds, that's the name of it.

Q That's the name?

A Yeah.

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Q So you had take you home?
A Uh-huh.
Q And when you went home, who is the first person you told about what you saw?
A When I went home?
Q Well, you went home after, you had her take you home, right?
A Yeah.
Q Did you go home or did you just get out and leave your house?
A No, I went to my house.
Q Right. So when you, after she drops you off, does she stay or does she leave?
A She left.
Q Okay. So now that is gone, who is the first person you told about what you saw?
A My sister.
Q Your sister?
A Uh-huh.
Q Okay. Now, at some point you knew that there were, there was a big disturbance that happened within a few hours of the shooting?
A Right.
Q Did you ever go back down to Canfield and watch what was going on or be a part of that?

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A No, huh-uh.
Q No?
A No.
Q What about, and then we know that in days after that there was looting and rioting and protesting, I mean, protestors are one group and the looter and rioters are definitely a different group?
A Right.
Q Did you ever go up there and protest or be involved?
A A week afterwards, but it was in the daytime.
Q In the daytime?
A Daytime, when it was hot.
Q So I guess what I'm getting at is, you actually spoke to the police for the first time on August 22nd?
A Uh-huh.
Q So what was, what was going on between August 9th and August 22nd, like as far as, you knew that there were people saying hands up, people saying no hands up, and you'd seen it?
A Uh-huh.
Q What was going on in your mind about why wouldn't you come forward and tell the police what

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you saw?

A Just, I don't know, just the thought, I guess, just being there really. I didn't want to get into it, you know.

Q Didn't want to be involved?

A Yeah, just be involved, you know. Just seeing what was going on on TV every day, and this and this, you know, you never know how people react to certain things. Did you know this or you know, you might know much more. So they might could be, you know, after you or not. People are crazy out here, so they might come for you first if you say something.

Q Sure. But at some point you got together with the police, so how is it that the police knew to contact you?

A Um, well, a friend of mine, his name is , his daddy, he knows --

Q You know what, it is hard to hear you when your hands are in front.

A A friend of mine , his daddy knows Mike Brown's people and they wanted to talk to me, I guess, probably to hear about it. I don't remember the man's name though.

Q Did your friend know that you had

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been there and seen it?
A Yeah, afterwards.
Q Okay. So at this point you had told your friend that you had seen it?
A Yeah.
Q And was friends with Mike Brown's family or people?
A Yeah, so his daddy, I guess friend, whoever he knew, got in contact with some guy and he knew some guy from the NAACP.
Q Okay.
A I guess they gave him my number and then they contacted me and like I said, it took me a couple days from then to even go talk to them.
Q Okay. So other than your sister, and we know you talked to the police on the 22nd, did you ever give a detailed statement to anyone else about what happened?
A No.
Q So no one else, whether it was someone from Mike Brown's family, did you ever meet with people from Mike Brown's family and tell them what you saw?
A No.
Q What about anybody from the NAACP --

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A Just and the rest of the people that was with him from St. Louis County.

Q Okay. They met you at the NAACP to take your statement, correct?

A Right.

Q How is it that you got to be at the NAACP?

A Uh, I said my friend daddy knew somebody, who knew somebody, and they contacted me.

Q Your friend dad arranged for that to be a meeting place for you?

A I guess he just wanted me to talk to them because I told them I didn't want to get into it, so I didn't tell them either.

Q And that was, you said he wanted me to talk to them, you mean your friend or your friend dad, who wanted you to talk to them?

A Yeah, I was telling that I was there and told his daddy, his daddy came around, this and this and that, you know, I still didn't say nothing to them. And he end up giving my number to somebody and they end up calling me.

Q Okay.

A The guy from, the from the NAACP.

Q The ?

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A Uh-huh.
Q And did you ever meet with the attorney that represents Mike Brown's family?
A No.
Q Okay. You mentioned in your statement that you had talked to a person named Attorney ?
A Attorney ?
Q Yeah.
A That was somebody that daddy.
Q Was that
A I just called him
Q Okay.
A Yeah.
Q All right. You didn't give him a detailed statement of what happened, the attorney did you, I mean, was he your attorney or someone else's attorney that you met with?
A I guess that was somebody else's attorney.
Q Okay.
A That was representing them at the time, which I end up giving them a statement because that's where I was going to the NAACP so.
Q So did you give them a statement before you talked to the police or after you talked to the police?

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A Before.

Q Okay. Did you feel that anybody, whether it be your friends or people from Mike Brown's family or the NAACP or anyone else, do you feel that they were wanting you to say something other than what the truth was or what you saw?

A No. You mean, mix up a story or something?

Q Well, I wanted to know if you felt pressured in some way to come forward and say something?

A No, I just felt like, I didn't want to just not say nothing.

Q Okay.

A So that's why, you know, talk to the NAACP because I know that. I don't know, I just felt, it didn't feel right no more so, and I know people are looking for statements out here. So I just kind of felt, you know, after the stuff started calming down is when I calmed down and kind of realized to say something.

Q So just, so I can also be clear, you said that from the time Mike Brown turned around.

A Uh-huh.

Q That was pretty much at the spot where his

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body fell on the ground?

A Uh-huh.

Q So he didn't go towards the officer after he turned around?

A No.

Q Okay. And have you been out to Canfield since this happened?

A Um, like I say in the day. I went to like, I don't remember the dates, I know it was two times I basically just stood by McDonald's the time they kept closing right there. And say what, three or four days from then, I went to go to the visual, went to the visual, stood there for a minute and left.

Q What do you mean by looking for the visual?

A No, looking at the visual, you know, the stuff that was in the street.

Q Oh, okay. The memorial?

A The memorial, that's what I meant to say.

Q The memorial they were putting in the street in memory of Mike?

A Uh-huh.

Q Did you ever after dropped you off, have you ever had a conversation with her about what

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the two of you witnessed?

A Yeah, basically every day from when we see it on TV.

Q Okay.

A I mean, you know, not trying to put things together, but seeing things on the TV that is just crazy stuff going on just back and forth, and back and forth.

Q I'm not trying to suggest you were trying to get your stories together, the reason I ask is hasn't been returning calls. Do you talk to her about that we would like her, you ever talk about coming in and talking about this?

A Yeah, but you know, she works every day, deal with kids every day.

Q Do you think if we could have her come in at a time that it didn't interrupt her work, do you think she would come in or is she just not wanting to be involved, she doesn't return calls?

A I guess, I don't know how she really feels about it now. I haven't just straight up and down asked her.

Q Okay. Do you know anybody else who claims to have seen this that hasn't come forward to the police or anyone?

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A Huh-uh, I don't know nobody in the Canfield area.

Q Okay.

A I don't know nobody from up there.

MS. ALIZADEH: Anybody else have any questions.

: . You said earlier that you really didn't want to get involved because you felt, I know what you mean, there are crazy people out there.

A Uh-huh.

: Were you afraid of the people, other witnesses or afraid of the police or both, or whatever was your main concern holding you from coming forward?

A No, this stuff is, just the stuff that was going on every day how your mind back and forth. Hopefully.

But you were concerned because your story may have been different than somebody else's and you were afraid that they may have been judgmental towards you?

A Right, judgments, yeah, yeah.

MS. WHIRLEY: Is there another hand?

: You said that

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you don't live in the Canfield Apartments; is that correct.

A No.

Do you live in Northwinds.

A No, I live in

: You don't live in the particular area. How long has , do you know how long she's stayed there?

A Um, I can't really say a number. I guess, I think she said two years.

: Two years?

A Something like that.

: If I heard, I'm not sure if I heard you correctly, I think your voice is kind of low, she has children as well.

A Yes.

: Is that correct? In speaking with her, I guess you two have a pretty close friendship.

A Uh-huh, yes.

How long have you known her?

A Um, since approximately about a year.

About a year?

A About a year.

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: Okay.

A Some months.

: In speaking with her, is it that she might be concerned about the safety, her safety and the safety of her children is why maybe she's not coming forward at this point?

A It might be because it is just, thing with her too, she is just trying to get away from there because there is just too much going on.

: Too much going on?

A Yeah. I mean, we talked about it, you know, she said before she wanted to, but I don't know how she really feels about it now.

: I'm sorry, is there a lot of conversation in the air, that okay you know, if you say something, something might happen to you or to your car or whatever, okay, is that the kind of feeling that's going on around there in Ferguson at the time or what?

A I don't know.

: You don't know?

A I don't live over there.

Okay. You don't frequent the area too much any more?

A No, at all.

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Not at all, okay. I can understand that.

MS. ALIZADEH: And has never said anything about being threatened, has she?

A No.

MS. WHIRLEY: When is the last time you talked to her?

A Yesterday when she got off of work.

MS. WHIRLEY: Okay. So you talk to her still frequently?

A Uh-huh.

MS. WHIRLEY: You will let her know we are trying to reach her?

A Yeah, yeah.

MS. WHIRLEY: And what happened, I mean, not what happened, just that we want to talk to her?

A Right.

MS. WHIRLEY: Is there anything that you want to add or tell us, a question that we didn't think to ask or something you feel is important for this grand jury to know?

A No, basically told everything, that's what happened.

MS. WHIRLEY: Okay. We have another question?

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: Sorry, one more. Again, you said you were sitting in the car, you heard the first gunshot, and can you explain again the second shot you heard fired was when, what was happening when that second shot was fired?

A Oh, okay. When the first shot happened, I told to roll back, open the doors, you know, kind of take for cover, you know, for a thought. So we basically stopped, so Mike Brown came on her side, you know, scooting off or whatnot. I heard a second shot from then. I didn't see the officer or none of that.

I don't know if he was in the car or he might have open his door slightly and shot, I don't know because the car is catty-corner. I couldn't see through the tint. I didn't basically see the scuffle or nothing, I just saw his feet.

MS. ALIZADEH: You opened your door, did open her door?

A Uh-huh, I told her to.

MS. ALIZADEH: And did you get out of the car?

A No.

MS. ALIZADEH: So you both just stayed in the car, but opened the doors.

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A Right, uh-huh.

: Go back to the second shot. Did it appear to you that Michael Brown was running when he heard the second shot?

A He was basically, he was basically past door. I don't know if he might have been back by the wheel or just passing her back end, but I just wasn't looking at all directly.

I was basically looking like walking past, heard a second shot, it is kind of ducking. We didn't know where it went or where it was coming or whatnot, yeah.

MS. WHIRLEY: He was traveling away from the officer when you heard the second shot?

A Yeah, yeah.

. How far apart were your car and the police officer's car?

A Um --

MS. ALIZADEH: There is two different distances because they back up.

: Good point. Initially before, you back up, how far apart are your two cars?

A Um, basically feel like, it wasn't bumper

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to bumper, but say might have been 3 or 4 feet, enough to see up under a SUV, you know.

And then when you guys backed up, be able to back up, how far back did you back up?

A Yeah, probably like 8 feet by then, 7 feet.

: Okay.

MS. ALIZADEH: Now, you brought up another point that I want to ask about. You said you can see underneath the car, and I know it is an SUV and sits up higher, but don't you think, if you were 3 or 5 feet.

A See, I'm the passenger, the car is catty-corner, I can see straight up under there, right up under there. She couldn't see it from her side, she couldn't see like there, right at the feet like I could. I could see, you know, just from looking right up under the SUV.

MS. ALIZADEH: You were looking through the windshield, front windshield when you could see underneath the car.

A You couldn't see through the back windshield, it was tinted.

MS. ALIZADEH: No, no, 's car, you

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were look through the front windshield?

A Yes.

I just want to make sure I understand what both of those people are trying to get to. When you were looking through the windshield and under the car, you are maybe a foot from the police cruiser?

A Yeah, like I say.

: It wasn't until you backed up that you were about 5 feet from them?

A Yeah.

Then you have a better view of things but then by that time you were trying --

A I mean, like from the get-go, from the get-go from when he pulled back, I can still, I can see from under that truck the movement.

: You can still see, the reason you can only see under the truck was because you are --

A Right, when I was on the passenger side, yeah, uh-huh.

MS. WHIRLEY: Anyone else? Okay. I guess that concludes the question and answer period with .

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A Yes.

(End of the testimony of .)

MS. WHIRLEY: We're back on the record at 2:20 p.m. on September 25th, 2014. Having heard 's testimony. All 12 grand jurors are present, Kathi Alizadeh and Sheila Whirley and the court reporter.

Now we are going to hear 's recorded statement with a police officer and also I believe someone from the federal investigation was there also. You will hear the different voices. This interview was conducted on August 22nd, but I will go ahead and play it with that little bit of introduction.

MS. ALIZADEH: We're going to pause the recording. Are you ready to play?

MS. WHIRLEY: Yeah, let me bring it up. There we go, that one is up.

MS. ALIZADEH: Enlarge that for a second.

MS. WHIRLEY: Are we ready?

MS. ALIZADEH: Pause the recording.

(Recording is paused.)

(This is the interview of

)

MS. WHIRLEY: The interview concluded at

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approximately 3:03 p.m.

MS. ALIZADEH: I just wanted to add that during the playing of the interview, I had marked a map as Grand Jury Exhibit Number 28. And originally I put it up on the screen, but we couldn't do that while it was playing so that kind of went around and I wanted just to make a record that the map that drew on or was used during his interview is Grand Jury Exhibit Number 28.

Did you all have a good chance to look at it?

MS. WHIRLEY: I do want to say when I said that the interview 3:03 p.m., I mean that we stopped watching it today on September 25th, 2014 at 3:03 p.m., or 3:02, whatever time I said. That's all I have.

MS. ALIZADEH: So that's all the witnesses and evidence that we have lined up for today. We were planning on quitting at 3:15, you have 15 minutes more in your day now.

(End of the testimony for September 25, 2014.

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State of Missouri
SS.
County of St. Louis

I, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

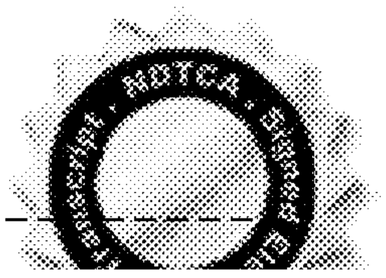
The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to

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and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.



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COURT MEMO

State of Missouri vs. Darren Wilson

CERTIFICATE OF OFFICER AND
STATEMENT OF DEPOSITION CHARGES

DEPOSITION OF Grand Jury

9/25/2014

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Prosecuting Attorneys Office
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Clayton, MO 63105

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STATEMENT OF DEPOSITION CHARGES

Commission expires

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Notary Public

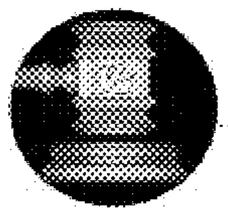
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Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume VIII

Date: September 30, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 30, 2014

VOLUME VIII

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IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 30th day of September, 2014, before

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APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

Assistant Prosecuting Attorneys for St. Louis County

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

(314) 615-2600

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GRAND JURY VOLUME VIII

MS. ALIZADEH: Good morning.

(Everyone says good morning.)

MS. ALIZADEH: It is Tuesday, September 30th at 8:32 a.m. Present is myself, Kathi Alizadeh, and Sheila Whirley of St. Louis County Prosecutor's Office. All 12 grand jurors are present as well as the court reporter, who is audio recording and taking down everything that is being said this morning.

I want to give a little pep talk to you as it were. I can only imagine the disruption that this causes in all of your lives and schedules, and I hope you know how appreciative that we are that we have the 12 of you who have agreed, even though maybe your arms were twisted a little bit, but agreed to, you know, devote the time and effort that this matter takes.

Don't think I'm understating it or overstating it to say how important this is. And I know you all, you know, since you're not a jury, there is no admonition that you not watch the news and anything like that, and I know that you can't really avoid seeing things about this in the news and, you know, not only here locally, but as well

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throughout the country. This is a very public matter and it is very important that we get this right.

And, as you know, Mr. McCulloch made a statement in the very beginning we were going to be as thorough as possible. And that means anybody who says that they saw part of this or knows something about it, is going to be able to be heard.

Even people that are reluctant to come in, we're going to do whatever we can to get them here because it is important that you have all the facts and information.

And I know sometimes it seems like it is very tedious because some of these eyewitnesses have made multiple statements and again, Mr. McCulloch has promised that there wasn't going to be anything that you didn't have the opportunity or weren't able to see or hear, and that means playing all of these statements for you.

And we do that because, obviously, there is times when if a witness makes multiple statements, sometimes over time their statements changes, sometimes dramatically, sometimes only slightly and insignificantly, but I think that those are things that you all have a right to consider

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when the witness testifies, if they've made previous statements that are different than what maybe they are telling you in the grand jury.

That happens in every case, every time a witness makes a prior statement, that statement can be brought up, as you know well, you said this previously, how come you are changing your story.

And, you know, neither Sheila and I are prepping these witnesses in the way we would if we were having a trial. We try cases, we have our witnesses come in and we talk to them about what is going to happen, we go over what their testimony is going to be, not in the sense like rehearsing, we want to know what they're going to say before they get up there and testify.

And that's just good lawyering. No one would ever expect me to put on a witness in a trial when I didn't know what they were going to say.

But in this case, you know, we don't want to have to, we don't want to in any way influence what these people are going to come forward and say to you. And so we don't do any prepping with any of these witnesses, other than to explain to them what is going to happen when they come in here, the process. So I don't know what they're going to say

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when they get here.

I mean, I have an idea because they've made prior statements, I assume they are going to say something like they said before, but the reality is, I don't know, and that's why it is important that we play for you those prior statements so that you know what they have said previously and can compare that to what they say today when they testify.

A lot of times, I know it is tedious and it seems redundant, why are we hearing this person say the same thing now three times.

If the person makes the same statement three times, you may consider that when you are deliberating about how that, what that means for that person's credibility, their ability to have observed what they say they saw and recall what they say they saw. Those were all things that I think are important because there are a lot of people that see bits and pieces of what happened that day, and I think you can even see right now how, you know, depending on where you were standing, it affects what maybe you say you saw, and that's human nature too.

So, again, Sheila and I are not worried,

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but very, we're concerned about the speed that this is coming in. We're going to do our best to try to kick it up if we can.

A lot of these eyewitnesses you are going to hear from who have made multiple statements, we expect that hopefully that's going to be less and less and eventually, you know, we'll get through the eyewitnesses, and then you are going to hear from ballistics people, and lab people, and DNA people, and, of course, those witnesses don't have prior recorded statements that we'll have to present to you. They may have reports that you will get copies of, but at any rate, I know that this is tedious. I know you want your lives back, your lives back the way they were.

All I can tell you is that this will be over at some point, this is not indefinite, and we're doing everything we can to try to get through this as quickly as possible.

We were hearing the other day that there is rumors that you all are going to be done this week. I'm here to tell you, no, that's not happening.

Originally, we had made estimates we would get done about the end of October, early November.

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We may go into mid November.

As I said in the beginning, if this takes until January for you all to have what you need to make this decision, then that's what we're going to have to do.

We'll do it as quickly as we can without rushing through it and skipping through things that need to be done.

So that being said, I truly, truly apologize for the disruption in your lives. You all really seem to be a great group of people, I'm so glad you all get along as you do, it would be awful if we had people that, you know, had conflicts and bickering going on. You all seem to be, as best as you can, hanging in there with us.

So, again, Sheila and I thank you for your patience. So that being said, yes.

: I have a question. I try not to watch the news, I try not to read anything about this because I like to have an open mind so I have all the facts that is presented here.

My concern is that, um, my concern is that everybody is saying hurry up, hurry up, hurry up, from what I'm hearing. Hurry up, make a decision,

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hurry up and get this done, hurry up and get that done.

And I know that this information has been disseminated. I know Mr. McCulloch before has said there is a process and this is the process that we have to follow.

Is the NAACP, or these other, you know, coalitions, are they confirming what he is saying to the people of Ferguson? I mean, I don't know if you can comment on that, but.

MS. ALIZADEH: Well, all I can tell you -- : I think everybody needs to rachet it down a little bit and let us do what we can do. I have faith and trust in everybody in here, you know, to make the decision that's appropriate. I'm not saying it is the right decision, I'm not saying it is the wrong decision, but make the decision that's appropriate based on the facts. But is that being disseminated by these groups or whatever to the people there?

MS. ALIZADEH: Well, there has been, as I said, there have been rumors, I think there was someone who had tweeted yesterday, a person of public, a public person that, you know, I hear unverified rumor the grand jury is going to have

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their decision by Friday. I don't know where they get this stuff. I don't know where that comes from, but I know that last week and yesterday Mr. McCulloch did give interviews to the media.

Last week he gave interviews to several media outlets describing the process. The fact how a grand jury is selected, you know.

My office has nothing to do with how you all are selected. The fact that you were selected way before this even, you know, happened, you know. And then the process of how, you know, when you have regular lives, this is not like a jury in a trial where Monday through Friday from 8:00 to 5:00 you are going to be here until it is done. That's not how it works. In a trial that's how it work, I mean.

We have jurors that we have to tell them in advance this is going to be a two-week trial, this is going to be a three-week trial. But he has made those statements and, you know, I can't, I can't help what goes around in the rumor mill. I don't think we have much control over that.

But I will express to him those thoughts that if any wisdom in trying to bring together some of the people in the various communities who can

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disseminate that message that, you know, be patient.

I mean, there is that catch phrase people always talk about, rush to judgment. That was a phrase made popular years ago. People keep saying hurry up, hurry up. We're not going to rush to judgment here.

If we wanted to, we could present this case as we do any other case. We could have a detective come in here and tell you what he thinks, you know, the evidence is, and then you all would be making your own decision based on that, but that's not how we've chosen to do this because of the importance of letting all sides be heard in this matter.

So I will talk to Mr. McCulloch about the strategy behind that, that it might be, because we all want everybody to just calm down. It will happen, there will be an answer, but you have to be patient, you have to let the grand jury do their job, you have to let us do our job.

And, you know, the problem is too, we can't tell people how often you're meeting, what days you're meeting, how many witnesses are testifying, because we're prohibited from talking about that.

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And so when people ask questions how often are they meeting or how many hours a week or how many witnesses are they hearing from, we can't answer those questions.

I think just the fact that the questions are asked and we can't answer it, I wonder if that might create even more like, well, why aren't you telling us this.

So I will talk to him and maybe we'll kick that around and we meet daily, except for these days. We usually don't meet on these days, but we meet pretty much every day and talk about what's going on and how we are progressing.

And so yes,

. I'm going to piggyback on her question. I've heard a lot of people talking about, this is people who should know, talking about why don't they just arrest him, and then figure out what's going on, why don't they just take action, do they not understand the process? Is that the problem, or is there a way to bypass this because it seems to me that we're doing what needs to be done and we're doing what's right and people are not seeing that.

MS. ALIZADEH: Well, you know, the one

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thing I will tell you is that, you know, my friends and neighbors know what I do and they know I'm doing this. And trust me, they are asking me questions all the time.

: I hear you.

MS. ALIZADEH: All I can say is I don't want to talk about it, I don't want to talk about it. I'm just crazy busy, doing what we can, I'm not going to talk about it. I don't want to talk about it. It is like I go home, I still bring work home, I don't want to be talking about it and I shouldn't and I don't. But I do tell them, we're working, you know, we're working hard and so it is just going to take a while before this process is completed.

And, you know, as far as like you saying watching the news and everything, I don't watch the news. I truly don't. I watch the news in the morning so I can see what the weather is, if there is like a traffic accident on the highway on my way in so I need to go a different route.

I don't want to see what's going on, even though I know it's there and I hear about it, because, number one, I just need to have a little, you know, of my personal life that isn't affected by this, but also I just don't want any of that to

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affect what I'm doing.

I can't worry about what's going on out there because I can't control it. And as Sheila knows and will tell you, I'm a control freak, and I think you all know that.

When I can't control something, I don't want to have, I just have to put that over there. Yeah, I can't listen to too much of this on the news and I can't be concerned, like I said, we were talking yesterday with these rumors, who came up with that, how is that getting out.

But it is like, you know, it is like being in high school. These rumors get started, I have no idea who started them, and then it is like the game of telephone because next thing you know the rumor morphed into something different and we can't worry about that, we can't worry about that.

Just know that we're working behind the scenes every day, hard to get this put together for you guys. We also, I will remind you and press upon you if there is anything that you think that you need that you don't have, and I know that you have made the comment, , previously, about wanting to hear from the private medical examiner that the family Michael Brown had hired. We're

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looking into that.

You all have asked questions along the way, and trust me, we are not ignoring those questions, we are doing what we can to see. You think there is something we need to know about or hear that we haven't given you, then we're not doing our job and we want to make sure we give you whatever you think you need.

MS. WHIRLEY: Did you have a comment?

: . Last night on the news, I know you just said you don't watch the news, it was stated that Officer Wilson had a case pending, a previous case pending. My question is, how much does that affect what we're going through?

MS. ALIZADEH: It shouldn't affect what you have. I was aware of that. Simply because I saw some cameras out yesterday, and I saw an attorney that was commenting about it and I heard about what it was.

But, you know, up until August 9th, he was an on duty police officer who made traffic stops and arrests and did other things other police officers do and so I would imagine, I've not looked, but I would imagine he has pending cases in our office.

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How those are handled and what comes of those cases shouldn't be your concern. I will tell you that I do not believe, and I will look into this, but I do not believe that he will, I mean, I know he won't be testifying in front of this grand jury any more because you're only hearing this matter.

I don't know that, I can't say for sure he wouldn't be called to court or called to testify on anything else, but I think it is unlikely, but I don't know. I don't know that necessarily will have any impact on what you all are doing.

That's the best I can say about that.

On for today we have a witness here, his name is . He's going to tell you what he knows about this matter and , of course, has made previous statements so we're going to start out by listening to those statements. First statement was done on August 12th, and it was done by the County Police.

And, remember, as I said a lot of times when the police do a statement, then the FBI has to come along and do their own statement, so after we hear the statement by the County Police, we will hear a statement that was done by the FBI.

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You all remember that last time I played that video that purportedly has comments made by , and then I was trying to play the audio back, and I thought then I might not have the right clip. So I straightened that out, so we may play that also later today if we have a gap in things.

We don't want you sitting here with nothing to do. We're going to keep you busy as long as you're willing to work.

you can turn off the recorder. The recording will be paused while we are playing the interview of that was done on August 9th by St. Louis County police detectives and that recording is contained on Grand Jury Exhibit Number 17. And, pause that recording.

(This is the interview of being played at this time.)

MS. ALIZADEH: During the playing of that statement, I passed around to you copies of the map that I marked as Grand Jury Exhibit Number 30.

(Deposition Exhibit Number 30 marked for identification.)

MS. ALIZADEH: Which was a drawing that was done during the statement of It

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is apparent in the statement that there was another drawing done, I don't know if I have that one, I will have to check and see if I have it and if not, I will get that for you as well today.

Remember, we talked about they were drawing the car and the position of the car or something.

So the next statement is about an hour long as well, so do you all want to take a five-minute break for bathroom and stand up. All right. We will do that. It is 10:09 a.m. How about 10:15, is that enough time?

(Recess)

MS. ALIZADEH: It is 10:21 on September 30th, we took a short break. This is Kathi Alizadeh. Sheila Whirley, as well as all 12 grand jurors and the court reporter. And we are now going to play for you a recorded statement that was done of , who was the gentleman who we just played the statement that he made to the County Police.

This is the statement that he made last week during an FBI interview. I just looked and it appears to an hour and 18 minutes long, and it is cued up and ready to go. If we don't have

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transcripts as of right now because the statement was only last week.

So if we get transcripts while you're still seated in this matter, I'll get those to you for your review later.

All right. And at this time I will ask you, to pause the recording while we play the recorded statement of

(This is the interview of .)

: Today is September 24th, it is 10:10 a.m. This is Special Agent , I'm here with DOJ trial attorney and USA . And would you state your name, sir?

: , okay.

: , I met you before. (inaudible) My name is and I am with the Civil Rights Division of the Department of Justice, and is a prosecutor here, federal prosecutor based here in St. Louis. So we are working on this investigation with the FBI, and because we know you gave an interview with the County Police, we didn't get a chance to meet you and we wanted to meet you, okay?

: Okay.

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: So all your answers need to be out loud because this is being recorded, but if you nod your head or shake your head I'll remind you.

I understand.

: And I'm sure you know this, and I have no doubt that we just want you to know that if you talk, some type of false statement or lie or embellish or exaggerate, it's a crime to make false statements to federal agents, we want you to know that.

: I understand.

: Okay. And we want what you know versus what you assume. So if there is a distinction when you talking about something and you assume it, we want to know what you assumed versus what you, yourself, know, what you heard and saw that today.

: Okay.

: It is natural that you've heard other names and we may need to ask you about that as well, but we want your observation. It is important not to guess, if you guess, let us know.

: Okay.

: If I ask a question, and you answer a question that seems confusing, let us know

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because if you answer, we'll assume that you understand.

Okay.

: Okay?

: Uh-huh.

: And you know you're at the FBI, and you came through security, but we want to make that you know it is voluntary. So at any point you have had enough, you want to leave, you let us know.

Okay.

: We are not going to force you to stay here.

No problem.

: Do you have any questions of us?

: No.

Just real quick, I want to make sure I have your name spelled right. Can you spell it for me?

: .

: Okay.

:

: Okay, thank you.

: you spoke to County Police back on August 12th. Do you remember

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speaking to them?

: Yes.

: Okay. So we are, I'm not going to go through your whole account because I know that you are, you already gave that and going to the state grand jury tomorrow, right?

Yes.

: I don't want to make you rehash the whole thing.

Okay.

: and I are with the federal prosecutor's office, we are prosecutors. So we won't have the opportunity to see you tomorrow, so that is why we listened to your recorded statement, we have read the transcript. We just have some specific questions that don't jump out at the recording because we can't see you.

Okay.

: That is what we want to focus on.

: All right.

: There were certain things that you, um, you talked about and when you talk about, you said do this or do that. Do this and do that doesn't come across in a recording and it,

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obviously, won't come across on this recording. But in the beginning when you saw the, the tussle in the car, can you describe for me or show me what you actually saw Michael Brown do and what the police officer were doing?

Well, actually, as I just stated to them, from my porch I can only see from the passenger side.

: Okay.

: I don't know if he had grabbed him or what, but you could see them tussling in the car, they were moving around.

: When you say he grabbed him --

I don't know who grabbed who.

: I know. When you say he?

The police officer.

: Okay.

Because he was walking, he must have said something to him and he was approaching the truck. Then we saw the tussling.

: Let me ask you, you said he must have said something to him, you mean --

: I think the officer said something to him because Michael started walking towards the truck.

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: Okay. That's what I was going to ask you, what made you say, when you say he, I'm trying to figure out.

I'll make sure I state it.

Okay. I know when you use the expression he must have said something, that's one of those assumptions. When you say that, I want to you to explain that's why you are making that assumption.

Well, I'm assuming he said it because he was approaching the car. I mean, if the officer tells me to stop and come here, I'm coming there, okay.

: Okay.

: I'm going to approach you, I want to talk to you. I'm going to find what is going on.

: That's fine, that makes sense.

But I could see them tussling, you know, and after that is when the first shot rang out.

: Let me ask you about the tussling specifically. I know you said from what your vantage point was, can you describe from your vantage point what Michael Brown's position was?

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He was outside the car door.

: Okay.

: Outside the truck door. He was in one of those big 4x4, not 4x4, SUVs.

: Right.

He was on the outside and the officer was still in the truck.

: And how is Michael Brown's body?

: He was like, he was, I could see the top of his head, he had a hat on.

: Okay.

: I could see the top of his head, and then he dropped down and he disappeared for a minute. Next time I saw his head is when I heard the shot, that's when he popped up.

: Okay.

Okay.

: Were you able to see from your vantage point whether Michael Brown's body was bent over --

: From my vantage point I can say clearly he was not inside that truck. He was partially, maybe his head, was right there at the officer's head.

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: Okay.

But so for his body being in, no, I couldn't say with 100 percent accuracy that his body was, but I'm quite sure it wasn't.

: Okay. So you don't know for sure?

: No.

: What about his hands?

: They were inside.

: Okay.

: Uh-huh.

: So his hands were inside, just correct me if I say this wrong. Michael Brown hands were inside the car?

: I believe so.

: Okay. You couldn't tell if any part of his like shoulders or anything were in it, is that fair?

: No, no.

: No, you couldn't tell or no they weren't?

I can't tell.

: Okay. Can you tell, you said his head disappeared from view. So do you not know, can you tell whether any part of his head was inside

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the car?

: No.

: No, it didn't or you can't tell?

: No, I can't tell.

Okay, fair enough. Were you able to see any movement that the police officer was making inside the car?

I could see him jerking around.

: Okay.

I could see his body, see his torso, I could see maybe from like the shoulders up, jostling around like they are moving back and forth like this, just like some kind of tug of war or something was going on.

: Okay. Just for the recording won't pick up what you are. You are kind of leaning back and forth in your chair?

Right, they are kind of rocking back and forth, like they were in some type of struggle.

: Okay.

Okay. That you could clearly see that they were struggling, but I could not tell

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how much of his body was in the truck.
: Okay.
I can't say for certain how much of his body was in the truck.
: That's fair.
: You are referring to Michael Brown?
: Huh?
: How much of Michael Brown's body was in --
How much of Michael Brown's body was in the truck?
: The officer was in the truck at the time?
: Officer was in the truck.
: When you say we, we saw, who are you referring to?
: Had some other family members there on the porch with me.
: Is that your brother and sister-in-law?
: Yes.
: Was there too?
: Yes.
: Okay. And so once the shot

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rang out and Michael Brown started running, how soon after did the police officer get out of the car?

A matter of seconds.

: Okay. Was it instantly or was there a slight pause?

There was like a slight pause. I would say within two or three seconds, he was coming out.

Okay.

As Michael was running away, the other gentleman, Mike went one way, the other gentleman went the opposite direction.

: The other gentleman was Michael Brown's friend?

Michael Brown's friend.

: Do you know his name?

No, I don't, I don't know him.

: Okay.

: I've seen Michael Brown in the neighborhood, he passed me. Myself and the other lady, we always sit out. I'm collecting Social Security, she's retired, we just sit out and we talk, watch around. And I seen him walk past because he has a friend who stays in an apartment

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who is just beyond me.

And he would always come by and say, how you doing, sir, how you doing, ma'am, how you all doing, you know, everything else. That's the only contact I had. Other times I may have seen him at the stores in the neighborhood.

: Okay. We are veering off a little bit. Just so I can ask you, you have a friend that, Michael Brown has a friend that lives in the apartment complex?

: I have no idea.

: I thought you just said.

Oh, Michael Brown has a friend that stays, not the one that was with him, I don't know him. Him, I know nothing about.

: I understand that. I just ask you the friend that Michael Brown stays with in the apartment complex, do you know that friend's name?

: It is a female, no, I don't.

: Do you know in which building she lives in?

: Uh --

Here is a map if that helps.

I believe it's, it is

: Okay.

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I think so.
: Do you know which level?
No. Because she was on third floor. I think she moved down, I'm not sure.
: Okay.
I can't say for certain.
: Okay. So back to what we were just talking about, the friend that Michael Brown was with that day, we'll just refer to him as the friend, would that be easier?
: Okay.
: Okay. You said Michael Brown took off running and there was a pause, police officer chased. What was that friend doing?
: After he ran, he disappeared, you couldn't see him. You don't know, we thought he had ran around to the side of the building, but someone is saying and other people was saying one of the reason that I heard and read that he was actually behind the other police truck that was there, he ran behind this other car.
: So not straight?
: So I didn't see him.
: I want to just know, just tell us initially you saw him with Michael Brown,

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correct?

Right.

: I'm talking about the friend.

Right.

: During the tussle that you described, where was the friend?

Practically on the sidewalk.

: Okay. What was the friend doing?

Just standing there watching what was going on between officer.

: From your vantage point where Michael Brown took off running, what did the friend do?

He ran the opposite way.

Did you see him again?

No.

: So when the police officer took off running after Michael Brown, can you describe, were you able to see his gun?

Let me stop you.

: Sure.

: He did not take off running after Michael.

: Okay.

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Excuse me.

: You okay?

I'm having spasms, okay. This is not showing me anything, okay.

If you don't like this map, we'll go with that one.

All right. You are looking at, okay, all right. This is, I can't tell which one is which right here.

: If this doesn't help you, you can --

This is Canfield.

Coming from West Florissant.

Uh-huh.

Coming around. This is the last driveway, okay.

: Okay.

: This is one right here. This driveway right here, okay, his friend went toward West Florissant. Michael ran towards the first driveway which is located where the memorial is on the post.

The officer got out of the truck, came around to the back of the truck.

: Okay.

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Assumed his position like this. (indicating)

: And you are showing, was the gun out in the front of you?

: The gun was out like this, he had his hand out, he was in his position and he told, that was after the shot he got out, when he got shot he ran. By the time he got to the edge of the driveway after he crossed the sidewalk, he got on the black part of the driveway he stopped, Michael stopped. He was looking at hisself to see where he was hit, he was doing this, but he had stopped.

The officer, at that time, he had come around to the back, Michael had his back turned to him. He told him stop, but he had already stopped.

Michael turned around to face him and he had his hands shoulder high, just a little bit above his shoulders, but they were out away from his body.

: Okay. Let me just stop you for one second. So you are saying when the officer got out of the vehicle, you are saying he ran around his car and stopped and did not chase after Michael?

: No.

: And when Michael was running

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away, the officer was not shooting at him; is that correct?

: No, he didn't shoot then.

: Okay.

: He didn't fire, he already had fired one shot when he came around to the back and assumed the position. He yelled at him to stop, which Michael had already stopped, when Michael turned around, he told him again, stop.

: Okay.

Michael took a step off the sidewalk. As soon as his foot hit the street, the officer let loose, wham, wham, wham.

: Okay.

Right.

: So that initial shot though occurred inside the vehicle, correct?

: Correct.

: Okay. So you're saying that the next time any shots were fired was when Michael Brown was facing the officer; is that correct?

: Correct.

: And that was after the officer said stop?

: Right.

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: And then he didn't shoot until Michael Brown made a movement?

: Made a movement.

: And the movement was totally opposite, correct?

Right. He took a step to the street. It looked like he was giving up. Because that is what we were saying. He is giving up, he is giving up, you know, we're looking at him, he's giving up. But then as soon as he took a step, he got his foot in the street, he fired three shots.

: All right. Let me ask you about when you said he had his hand up. You had described previously that he was standing, as you said, his hands up around where the shoulders were, his palms were facing him.

: No, they were like this. Palms are facing the officer, they were like this. Indicating)

: Okay.

: You are the police officer, I turned around and I did like this.

: Okay. Show your palms are out?

Right, right.

: Okay. Just so I can

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understand. From my understanding when the police were interviewed by the County Police, you described he kind of stopped and looked down to his right?

When he stopped at this time, yes. He kind of, when he stepped off, he was still like this, but he had his hands up, he was still trying to find out where he was shot to me.

: And then tell me what makes you say that?

: Because he looked down to his side.

: Okay. You said his right side?

: Yeah, this side, yeah, looking on this right side and then he took a step out. And he had his hands up and as soon as he took that step and got to street, maybe about to, he is a big guy, he could have made it about three steps.

: Let me ask you this, when he's running, he stops in front of the driveway. Based upon your vantage point, you think that he stopped because he was looking at to see where he was shot?

: Yes.

: Okay. So when he did that, at that moment he stopped, where were his hands initially?

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Like this, he had them like this. He took them away from his body to see, he was like looking, he was looking.

: All right. That's a little bit different --

No, I told it before, I said when he stopped he was looking, he was like this, his hands were not steady like this, but he had them up to look at because he's a big guy, he had to look and see what was up.

: He was like moving his arms.

Moving his arms to see what was going on.

: You have your palms sort of facing you like he was checking --

Right, he's checking out his own body.

: Okay.

Okay. But when he turned to face the officer he was like this. He had his hands up, palm facing the officer like, okay, you got me. He had already told him to stop.

: All right. I need to just go back and try and (inaudible) a little bit. When he was checking out his body, were you able to see?

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I can't tell.

: Is there anything that stood out to you?

: Nothing stood out to me.

: Okay.

You know.

: And so when he turned around and took that step is when he had his palms out?

Right.

: So right after that when the officer started shooting, what did Michael Brown do?

: After he fired that first round, that first volley. He hit him, he started staggering, he first kind of went back like, pow, from the impact.

: Okay.

And then he started staggering. And he was looking at the officer as he brought his head up, he looked down, oh, God, I've been shot. He looked up at the officer and he was looking at him and he was staggering, he was trying to stay on his feet. And myself and my family is telling him stop, dude, stop, stop, stop.

: Were you actually saying that out loud?

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: Yes, he couldn't hear us, you know, from where we live.

: I know he couldn't hear you, but were you actually yelling it in hopes?

: Hoping that he would hear but he was staggering. We could see that he was staggering and he took about, I don't know, three or four more steps, but as he was taking his steps forward at that time, the officer took a few steps back, he was still in his spot. When Michael took the other steps and he was staggering, his body was like -- can I stand up, please?

Yeah, absolutely.

Okay. He was standing up, he was shot. He was leaning like this, but his head was like this. And he was standing up staggering, he was trying to stay up on his feet like this.

: Okay.

And he was definitely, we were yelling at him stop, stop, stop. My sister-in-law and said, oh, God, he's getting ready to kill him, he's getting ready to kill him. And no sooner than he said that, no sooner those words came out of their mouth, he was going down, it looks like he was going down. And he

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let off four more shots pow, pow, pow, pow.

: Okay. When the officer was shooting was when Michael Brown was coming towards him; is that right?

Yeah, he was not charging him, he was defenseless, hands up, he was trying to stay on his feet and you could see that his knees was beginning to buckle, he was going down. When he shot him as he was going down, he hit face first, splat.

Where were his arms when he fell to the ground? You are showing arms at either side of his head?

When his body hit is when I ran up there his arm, one was like, I can't exactly tell on the body, one was like this when he hit down. I guess they moved when he hit the ground, but he was dead on the way down.

Can you picture where his arms were on the ground?

Kind of like.

: I don't want you to guess if you don't know.

No, I can't say for sure. I'm trying to picture it, but to tell you the truth,

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I didn't really want to see it, you know, because when I ran up there and I saw who it was, I'm like, oh, my God. I just saw him earlier this morning.

: I'll get to that in a second, but let me just clarify. So you saw two additional, two volleys of shots --

: Right.

: Correct?

: Right.

: Each time the officer was firing, Michael Brown was coming towards him?

: Yes.

: Okay. And at no time did Michael Brown say anything, correct?

: I could not tell or hear if he did say anything.

: You didn't hear him yell, don't shoot?

No, I didn't.

: Were you able to hear the officer say stop?

Oh, yeah, he was very loud.

: You didn't hear Michael Brown say anything like okay, okay, okay?

No, I didn't hear that.

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: Okay.

: Listen, I'm dealing with two very excited . One is , and this is the first time seen anything like that and right here.

: Talking in your ear?

Right.

You were able to hear the officer?

: Oh, yeah.

: You didn't hear anything from Michael Brown?

No.

: From your vantage point, you didn't see his mouth moving as though he was saying anything?

My eyes was really focused on the officer because when he started moving, staggering forward, I wanted to see what he was getting read to do cause everybody was like, he is getting ready to kill him.

: Okay.

So I wanted to see what he was getting ready to do, but Michael was staggering. You could see him clearly staggering, you know. And

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then when he started like he was going down, he fired again and that's when I said, oh, my God, he just killed him.

: Okay. So I just want to (inaudible), when this was all happening, your attention shifted to the officer, correct?

: I could still see Michael, I wanted to see what he was going to do. I had both of them in line of sight.

: Okay. Is it fair to say that Michael was more, just based on how you are describing it and the visual you just gave me, is it fair to say that Michael was more in your peripheral vision at that point?

: Both of them, both of them. From my vantage point, I can see both, okay. But to say, now I'm trying to make this as clear as I can. I can see both of them, but as Michael was staggering toward him, you know, trying to keep his balance, as he was moving forward, you could see, I could see the officer stepping back.

When he took those steps back and Michael was staggering forward, I thought, oh, my God, that's when they said he is getting ready to shoot him. Sure enough, as soon they said that, he let

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loose.

: That's when you all are yelling stop, stop, stop, you wanted Michael to stop?

Yeah, we wanted Michael to stop. They anticipated in a split second, , he's getting ready to kill him.

: Let me ask you this, . On August 12th, I want to take you through what you said at that time.

You said as he faces the officer, this is Detective asking you this, as he faces the officer, you say that his hands go up to a point where you said about to his shoulders almost.

Right.

: That's when he has his palms sort of facing himself and he's looking over his body?

When he got first shot and he got to the driveway, his hands were up facing himself because he was looking like at himself.

: Right, let me --

When he turned around.

: Uh-huh.

He gave up, his hands was up

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to the shoulder, that's when he went up facing the officer.

: Okay. You went on to say back on August the 12th, Detective says, your arms are like palms up and hands and fingers are roughly shoulder height, is that fair enough to say?

You say yeah, about close to his shoulder. Do you agree with that?

Yeah, yes.

: With his palms facing towards himself like this?

No, not turned, his hands are like this.

: No, I'm talking about --

They're not, excuse me, what you are saying, the hands are pointed toward him, they were not, I didn't say they were pointed toward him. I said his hands were like this. I described it. I didn't say they were pointed toward him. The only time I said his hands was anywhere near is when he first got shot.

When he turned, they were this way.

: All right. Let me just take you through this, okay, and just see if you agree with this. On August 12th, Detective asked

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you, your arms are like palms up, and hands and fingers are roughly shoulder height, is that fair enough to say?

You say, yeah, close to his shoulder, right?

Uh-huh.

: And he asked you at somewhat of angle? You say at 35 to 45 degree angle from the body. About like this, and you have the palms up, right?

: Oh, yeah.

: And you say he is standing there, he looks, he looks down looking at his body. That's where you're saying you thought he was looking to see if he was shot?

: Right.

: Okay. And then after that, you go on to say that Detective asked you, Michael Brown is standing facing the officer at this point with his hands at his rib cage. And you say, yeah.

And Detective says hands, palms up, like at his rib cage.

And you say, uh-huh. Does that sound right?

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Yeah.

: On basically when Michael Brown, this is what he asked you, Michael Brown is standing facing the officer at this point with his hands at his rib cage, and you say, yeah.

Detective says hands, palms up, and you say uh-huh. Is that the way you recall it today?

Yeah.

: And you go on to say, or Detective asked you, and he was looking down at his body at some point. You already told him he was looking down at his body. Detective says, he was looking down at his body at some point, and you say right, right, uh-huh. Okay. All right.

Is that the way recall it?

Yeah.

: Okay. Just to be clear too, we talked about when you thought that the officer must have said something to Michael Brown because Michael Brown then approached the vehicle, that's when you saw the tussle.

So you actually saw Michael Brown come to the side of the vehicle, he approached the side of the vehicle?

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Right, he wasn't that far from me.

: Okay.

His friend was still, when he looped around, Mike was still in the street, his friend had backed up. His friend had actually --

: That's when he goes to the sidewalk?

Yeah, he steps back, you know.

: Let me ask you this. had asked you this a little while ago about, and you sort of were very clear about where everyone was. But she had asked you about when the officer went after Michael, where was his gun at that time, or could you see it. And you corrected her and said, well, he just went to the back of the vehicle and assumed his stance.

: When he came out from around, he must of already pulled it out of his holster as he was coming around.

: And that's what I'm wondering. Could you see that, could you see where the gun was before he assumed his stance?

It was in his hand and he

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brought it up.

: Okay. Before he brought it up in a stance, it was in his hand.

: It was in his hand.

: You are directing like out by itself?

Right. He's pulling it out and as he came around so he could get a line sight on Michael, he whipped his hand up, gun is already in his hand, put it in his palm and aimed.

: Shortly after that he said stop?

: He said stop. When he said stop, Michael had already stopped.

: Uh-huh.

When he turned around, he said stop again. When Michael took another step, he said stop. As he hit the street, after he said stop, he fired. That's when he started staggering around. You could tell he got hit the way his body jerked, okay. And as he was coming forward, trying to keep his balance, I guess keep from falling, he couldn't stand. He was trying to get hisself in a position, I believe, so that he could stand up.

As he took those steps, the officer took

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about two, three steps back. As he did that at the same time, he yelled stop again. Michael was then, you could tell he was about ready to fall. At the angle of his body, torso practically straight, knees wobbly, but the torso was almost at a 45 degree angle, his hands are slowly coming down.

: His hands were coming down?

: Right, coming down.

: And he was bent toward the officer?

: He was bent toward the officer.

: Let me stop you there real quick. On August 12th, again, I want to take you back to what you said. Detective asked you where you describe exactly this point, Detective asked you, and where are his hands at this point.

And you say, after he hit him with the three shots, they were down.

Right.

: Detective says, okay, where at?

You say, down beside his body like this. And then he says, you were basically putting your

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hands down at your side.

And you said, yeah, they, like they were down.

: Right.

: Is that the way you recall it today?

: Right.

: That was after three shots?

: After the three shots.

: Because he was going down?

: Yeah, he was hit. As he was coming forward, he was trying to maintain his balance.

And I know this, I've been shot, all right. I've been shot in the leg, so I know how it is to try to get your balance.

And as I try to make this perfectly clear, his torso was straight, knees wobbly, but his upper torso was bent and he was still, kept his focus on the officer.

: So to be clear, from your vantage point, and I don't want you, I know you were shot so you know how it feels to be wobbly. From what you could actually see, Michael Brown was focused on the officer, correct?

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: Uh-huh.
He was bent forward, correct?
: Uh-huh.
: Is that yes?
Yes.
: Okay. His arms were at his side at this point?
: Right, right.
: He was moving toward the officer?
Right, very slowly and wobbly.
And the officer had said stop?
Right.
: At that point, Michael Brown hadn't stopped; is that correct?
: It looks like he was falling. He was staggering, he was staggering, trying to stay up. Okay.
He was shot, he was hurt. He was trying to keep up on his feet. He wasn't going toward the officer to try to get to him. He was trying to stand up. He was trying to maintain hisself, but you could see his body was giving out. And the angle his body was, when he told him to stop that

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last time when he's looking at him and that's when the comments were made, he's getting ready to kill him.

And no sooner than they said that he was going like this, his body was coming like this because he wasn't even looking and he fired. That's the only way he could have hit him in the head, the only way. He was already on his way down. The man was unarmed, you had already put three to four shots in his body.

Granted, he is a big boy, but he was hurt, he was hurt.

: And this is the point right before that, that final shot you refer to --

: Right.

: -- trying to tell him to stop?

Right, right. When he fired off that last volley, he hit down face first. I've got a very hysterical who has never seen anything like that in her life. My sister-in-law is going berserk. My brother and I look, we didn't even see the other officer, he had just moved away.

Our focus, our focus is So when I got , he got his wife and got them, took in

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the apartment, got them calmed down, I came back out, I left and I ran up the street because I wanted to see what happened, not what happened, but to see him, you know, just some visible reason I wanted to see the body. As I got there and close and I saw his face, I knew who it was.

: You talked before too about at that point people started coming out from everywhere?

From everywhere.

: Can you tell us about that, what was going on at that time?

They all, they running out, from my vantage point I can see every apartment on the opposite side of the street. The gentlemen who were working, my apartment, my bedroom, I can see them and the apartment that they are working on and I'm watching them. They are making a lot of noise, but anyway, from the front of my house, I couldn't see them. I knew they were there, I knew they were there. People on my side and my street, no one was there.

The immediate apartment building where he was shot, I couldn't tell if anybody was up there. The apartments that are already in the back of the

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driveway where he was stopped at, where the memorial is, I didn't see anyone on this side of the street in my sight.

The other part I can't see that.

: Just tell me about when you went out there, you know, you mention people coming out from sort of everywhere from the back of the complex.

: From the back of the complex, from everywhere.

: And you talk about August 12th, the one reason you came forward is in your own conscious you wanted to make sure the family got the truth about what really happened, that is why you decided to come forward?

Yes.

: You were concerned about what other people were saying. What were you concerned about?

You have to understand out there, they were looking for anything. Majority of them that came running out from the other sides and the back, those three or four gentlemen that run up, oh, he had his hands up like this.

: Like straight up in the air?

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Straight up in the air.

: With his palm facing the officer?

Yeah, we were standing, no. The gentleman that was besides us, the workers, no. We knew that. And then you could see, you have to understand the mentality of some of these young guys. They have nothing to do. If they can latch onto something, they embellish it because they want something to do. This is something that give them, okay, now we have something to do to get into.

I've lived out there off and on for almost years. Majority of them do not work. All they do is sit around and get high all day. That's it, and just talk stupid. And they had that there, when we was standing there, someone at the top of the hill, I had got back to my porch, someone at the top of the hill, my brother and my sister and , I had back on the porch when I came back, fired off some shots. The officers heard it and they started running, okay.

Everyone that was on the other side of the street started pointing, where did it come from, everybody started pointing. We had two people, never seen these people before in my life in the

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whole time I've been out there, came up, you all better not say nothing. You all snitching and all of this and that upset . : They said this to you . They were talking. I was looking at the officers. was down there and I happen to turn when said like what, what. You know, I was like, wait a minute, I said turn around, everybody was still doing this. But she and this other girl had made a point to say something to . To ? Right. : About not snitching? About not snitching. Two females? Yeah, I'm like what? And I told the girls, I tell you what, you all used a very derogatory term, turn around. Everyone is pointing that way, you know. For three days I had to deal with because that shook to the core, just not use to anything like that. : Can you explain this, what prompted these girls to come over to ? Because everybody was

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pointing, you know, when they heard the shot. I was pointing. Where did it come from. I said right up there.

: Because you were telling the police where the shot came from?

Right, but the thing was, the whole crowd was pointing up to the top of the hill. And I'm like, wait a minute, they single out and wasn't even pointing.

I understand, okay.

: Okay. So the thing is, I live there, when it comes to saying certain things, I've got to protect I don't care. I'm sorry that happened to Michael Brown, I'm sorry for his family's loss, but I have a , that's number one. I don't care about nothing. I really wasn't going to say anything. I really wasn't because I got to protect and scared, was scared for three weeks, she was scared.

: Let me ask you this, before whenever we was talking about people coming out and hands up in the air, you said there were workers nearby who were saying hands in the air?

No, no, no, they didn't say

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that.

: What did they say?

: They said the same thing I said and my brother did. His arms were shoulder length, just above his shoulders.

: Can you describe these workers?

: They working, they are plumbing, some plumbers.

What they look like physically?

: Younger, white hair gentleman and --

Both white?

Uh-huh.

: But they were actually there with you correcting all of these other younger people?

No, everyone did that. It wasn't until a couple days later, because I saw him when I was out there watching everything going on. I saw him talking to a couple officers, but he was talking to a plain clothes detective and a Ferguson officer, I think, I'm not sure. I couldn't see, but I know he had a blue shirt on, Ferguson wears blue shirts. I assume it was a Ferguson officer and the

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other gentleman was in a suit.

And he was talking to him. The younger guy, he was like, oh, he was going nuts, you know, but the older gentleman was talking about what he saw.

A few days later because he was coming around and doing something on every building. And he gets out, eventually said, yeah, everybody out there talking about the poor man had his hands up in the air. He said, I didn't see that, he said, did you see that? I said, no, I didn't see that. So the young guy say, he was with him, I didn't see it either.

: These are the two white workers that you are talking about?

: Yeah, right.

: They were back there a few days later and talked to you personally?

: They didn't talk to me, just in the course of conversation they were working on our building.

: You were there and had that conversation?

: Right, right. I'm standing there, he come down there and working on the pipe.

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I was barbecuing, that's how the conversation started. And we got, he said, man, I'm so shook up and everything else about this and that. He said, well, it got crazy all of these guys over there, everybody running around, they're talking about the man had his hands all the way up in the air, he didn't. Did you see that? I know you saw it, didn't you? I said, yeah. He said, did you see what I see? I said, yes. He didn't have them all the way up. And we both, at the same time, same position, okay. Young guy quit after that. He said, I'm not coming out here.

: You said there was a lady with you during this conversation?

Older lady, she didn't see the incident though.

: Who is she?

: She's the downstairs lady.

: Was there any other conversation within that day about this?

: No, uh-huh. All he had to do was connect the pipe. They had missed a connection on the pipe and then we got to talking about barbecuing, talking about, started talking about other things. He lived in Jefferson County. He

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said how bad it is down there, you know. Now I have to come here, stuff happens everywhere.

: Everywhere.

You know, he said, this was crazy, you know.

: Did he have anything else to say about it, anything crazy about it?

No, that's just the way the people reacted.

: Let's go back to that. You first started talking about the two white workers that were there when you first came down.

: Uh-huh.

: People were coming out and saying all kind of things. And you talked about people talking about him having his hands straight up in the air you kind of said, no, that's not what I saw.

Uh-huh.

: Maybe I misunderstood. Did you say also that the workers were down there at the same time saying, no, we didn't see that either at that time?

No, he didn't say that at that time. When I came down after the shots were

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fired and everything else, I came back down because the crowd was big, it grew in a split second. I walked down to the edge of my driveway and I looked over to see the building, I can see the building they are working on from my bedroom window.

He was talking, as I said, he was talking to a detective because his car was parked up on the grass on my side of street. And another officer in uniform had on a blue shirt. I didn't see the insignias, but I'm just saying that because Ferguson wear that types of collar, that may be a Ferguson officer that I had not talked to that man at all that day.

: Okay.

: I did not speak to him.

: All right. Let's back up a little bit then. When you come down and there are people saying things that you didn't see, how quickly after those last shots were fired was that happening? I mean, where people were actual actually saying things like that?

: After he hit the ground, I would say it took at least about a minute.

: That's when the crowd starts to gather, it was like an instant?

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In a minute, maybe 20, 30, two, three minutes, at least be about 70 or 80, it grew.

: Not just the crowd, but people talking about saying things that didn't happen?

: Right, right. They start embellishing it when the stepfather showed up.

: When, I'm sorry?

The stepfather.

: The stepfather.

He's the first one that I later found out, I didn't know it was the stepfather until a few minutes later when he approached. They had started the tape up and he was trying to get to him. Oh, you know, my God, yeah, he was screaming and hollering. And the officer is trying to calm him down.

And then I saw his cousin, a little girl, she has blond hair, she ran up the street. They all came from Northwinds. That's where the majority of the crowd came from.

When you say they started embellishing, what did you hear?

Oh, the officer ran up behind

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and shot him in the back.

: That's not true?

Not true.

What else?

: He hads his hand straight up in the air, not true. Then some guy, I don't know who the heck it was, I had never seen him before, he came out of the blue. He was coming out saying that Mike had reached in and got the gun out of his hand, not true.

: You mention on August 12th that after that it was everyone started coming from the back saying, oh, my God, he had his hands up in the air telling him don't shoot, don't shoot, don't shoot. And you said he never uttered a word, right?

: Right.

: Referring to Michael Brown?

I said that I could hear.

: Right, right. Just what you saw and heard.

That I could hear.

: And you went on to say, that's when everyone come back and all of them started saying things, oh, he was on his knees.

Yeah.

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: When he shot him, he shot him on his knees?

: Right.

: And then he came by and they said he was lying down and the officer came and shot him in the head.

That was false.

: None of those things happened?

None of those things happened, none of those things.

: I also want to ask you, you said early on when we were talking you saw Michael Brown earlier in the day?

Uh-huh.

: Can you describe your interaction of what you saw?

: Me and the lady was sitting outside, sitting on the step. She was sitting in her chair on the lower level and he come up, instead of going through the driveway, they cut across the grass right there.

: When you say that was he with his friend that he was there during the incident?

: No, he was with some girl. I

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never seen her before either. And he came through and he say, how you doing, sir, how you doing, ma'am. I said, how you doing. I said, you all doing okay? Yeah. He said all right, looks like it is going to be a good day. All right. And he walked up.

: About what time was that.

About, it was early. It was early. I don't know, probably around 8:00, somewhere after 8:00.

Did you see him at all that morning.

: Next time I saw Michael he was laying on the ground, or the street.

: Have you seen that girl he was walking with, have you seen her since.

: I think I have. I can't say 100 percent sure. I wasn't paying too much attention to her. He was talking to me. You talking to me, I'm looking at your face.

: Do you know her name?

No, no, I don't know.

Let me ask you.

: I don't want to know anybody else.

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: Let's talk about that. You talk about the things, the crowd grew and the young guys out there saying things that were not true. August 12th, you said something about this, I want to ask you about it. By living out there if you go against what they are saying, you think they might nut you up and go crazy. What do you mean by that?

They had it in their mindset of what happened. They're set. They are looking for a reason to explode because they don't have anything to do.

Why, why look for a reason to explode?

They got nothing else to do. They are running all day, they are drinking and they're getting high all today. We see this all the time.

We have been on Canfield Green apartment management to get all the drugs out of there. Okay. All the time. Northwinds got so bad they put gates up. When the gates up, the crime went up. You know, I don't trust anyone out there.

They all walking around with their pants below their butts and everything else, no T-shirts on and they are so strong they will stand right

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there in front of you and roll that stuff up.

I had to run two of them off my porch who and came and sit on my porch while and grandkids are inside, I'd been to the doctor's office. (inaudible) They are sitting on my porch, on my chairs rolling up their blunts. That's how it is.

And if they strong enough to do that and they feel you are going up against them, huh-uh, never, I've got I have to protect.

: What would happen to somebody like that?

Oh, shoot, they'll jump you, they'll jump you.

: Do you think that's the general feeling there if someone say something to either us or the local police, goes against what they want, that they will go against them.

I think now as it is getting longer in time, the majority of them in our neighborhood, my community, want the truth. It is that outside forces that are coming in. When they burnt that thing down yesterday, 80 percent of the people were from the city, not from there. Cars were coming in, the parking lots were full. That

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lets us know immediately this is not Canfield, this is not Ferguson.

: You mention the burning down issue, the memorial?

Yes.

: Did you see that?

Oh, yes.

: What did you see?

: I was standing outside in the morning, I come out every morning, step out, try to smoke a cigarette outside. I stepped outside, there was a gray car and a red car, I mean, a white and black car, sorry, sitting there. A gray, dark gray, charcoal gray car pulled up there, now there's three of them.

The first two, they were taking pictures. In fact, a girl was in the white car, she got out and stood on the driver's side, took a couple pictures, got in. And I saw those two drive off.

The charcoal gray car pulled up beside it. I said, oh, I forgot my cigarette butt, I left it on the kitchen counter. So I walked in, I got it, I came back out, I left and I walked to the other side of the porch, just look around, I like to look around, see the cars and see who is out and

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everything else. By the time I reach my door step, my front door, he gunned it or she gunned it or they gunned it and the car peeled off.

Next thing I know, whoosh.

: It shot up?

It just blew up and there wasn't no slow flame, it just whoosh.

: You talking about the memorial?

Yes.

: Did you see anybody go other and do anything?

: I didn't see anybody. They could have done anything from the car window. They could have threw something out of the window. But that was definitely to me an accelerant because the way the fire went up, it just went whoosh. It wasn't a slow burn. I mean, they talking about a candle, candle, most of that stuff was wet.

: Okay.

: Most of it was wet.

All right. We are going to leave this running.

I'll talk to myself.

Okay.

: We'll be back in just a

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minute, thank you.

MS. ALIZADEH: There is no conversation during this break, so I'm going to try to fast forward it, it is not long.

: All right. , I don't think we have much. We don't want to take up a lot of more of your time. We just have a few more questions for you, okay.

My understanding is before we took the break, you talk about one concern you had, obviously, after this shooting occurred, people coming out and saying things that were not true based on what you saw, correct?

Yes.

: One of those things these young men coming out saying that Michael Brown had his hands all the way up in the air like surrendering at the time that the shooting was going on; is that correct?

: Right.

: You didn't see that?

: I did not see that.

: Okay. I just want to clarify that. If I could, I referred you to some of your statement on August 12th and I just want to

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make sure that I understand your statement then and now, okay. And if you like, I have another copy here, you can refer to if you want to or I can read you these portions, is that fine?

: That's fine.

: Okay. At the bottom of page seven it said, you are referring to Michael Brown, you said that he had like one foot on the grass and one foot on the driveway, which you told us today. And then he turned around and he was like this. So that is why people thought he raised his hands, and I think you are talking there about people claiming that he had his hands raised. You said he did something like this, is that what you are referring to him looking at his body?

Looking at his body. And I stated there they embellish, they embellish.

: Okay.

He had them up, to make it clearer that he was giving up, they went from one, which is what I saw to something that they probably, they assumed he did and stuck them straight up in the air.

: Right, okay.

Okay.

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: And so when you were demonstrating that he turned around and he had his hands like this, that is why people thought he raised his hands, you're talking about when he was looking at himself to try to determine whether he was injured?

Right.

Okay. And you said you went on page eight, you said he looked down and then he did this, and he looked at the officer and he walked and he took about three to five steps. He hit him again, pow, pow, pow. So you were demonstrating there again and then as you went on, Detective made an effort to kind of narrate the way you were demonstrating on the tape, do you recall that? Back on August 12th, when you were demonstrating for him he was kind of narrating back to you so it would show up on the tape, do you recall that?

I believe so.

: Okay. On page 17 of your statement you said as he faces the officer, strike that.

Detective asked you as he faces the officer. You say, uh-huh. You say that his hands go up to a point. Where? And you say about to his

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shoulders almost.

And then you go on to page 18, and you say like this. And Detective says, kind of raised? And you say he had his hands up like this.

And, of course, you can't see that on the tape so the detective narrates and he says, your arms are like palms up, and hands and fingers are roughly shoulder height, is that fair enough to say?

You say, yeah, about close to his shoulder, yes, uh-huh.

Not in the position that you got.

: Okay.

: When I said it, I said like this, not like this. They were close to the shoulder, yeah, about shoulder height.

: About shoulder height?

About shoulder height.

: With palms up?

His hands were out, his arms out away from the body, not like this. His were out like this. Away, they are away from his body.

: Okay.

: Not like this, not like this, not like this, they are away from his body. This is

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my shoulder, this is exactly how I showed him.
Okay. With the palms up?
: Palms are up.
: All right.
: Nothing, I got nothing, I'm giving up.
: Okay. You say that they are about close to his shoulder and Detective says they are at about somewhat of an angle. And you say, what would you say, a 35 or 45 degree angle from the body.

And you go on to say on page 18, he's standing there and he's looking, he's looking down at his body. And he looks up at the officer and you say, he looks up at the officer and by this time he was standing facing him after he turned around in this position.

On page 19 you say, Detective asked you, Michael Brown is standing facing the officer at this point with his hands at his rib cage. So now his arms are further down, his hands are at his rib cage?

After the shots.
: Okay.
: Someone left out it was after

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the shots.

: I just want to make sure.

The first volley of shots?

After the first volley of shots, his arms came down because he was staggering. Like he was coming, as he got hit like, oh, shoot, he was staggering around, all right.

They had to come down a little bit, they were coming down. Like I said, when they weren't at his body, I didn't say they were next to his body. He asked me a question, I demonstrated and he said something that his narration is not what I showed, okay.

: The narration is not?

: Whatever he wrote, I don't know, he just stated, yes, but his depiction of what I said of what I showed him is incorrect.

: Let me just finish running through it, okay, and we can talk about it.

Okay.

: Bottom of page 19, Detective says, Michael Brown is standing, facing the officer at this point with his hands at his rib cage. And you say, yeah.

And Detective says, hands, palms

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up, and so they're at his rib cage, palms up.

And then you say well, they weren't up against his rib cage, it was out because he was looking down, slightly away from his body.

: Uh-huh.

: And Detective says that he was looking down at his body at some point.

And you say, right, right, uh-huh.

And then you go on to say on page 20. Detective says, is anybody saying anything at this point?

And you say the officer as he raised his head, he told him to stop. As Michael Brown raised his head, the officer told hold to stop; is that right?

Right.

: And he says, as Michael Brown raises his head? And you said, as he raises his head, he says stop right there. He asked you, the officer says this? And your response was, yeah, he did say stop. And when he left from that fixed spot, then he was walking toward him.

And he asked you, towards the officer?

And you say, towards the officer. When he, as soon as he put his foot on the street, he hit him three

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times.

And he asked you like, how many steps do you think he took before the officer fired? He said, big boy, he didn't take that many steps, I really couldn't count, yeah.

And so that's the first volley that he has his hands down near his ribs at the time of the first volley?

: Right.

: Okay. I just wanted to make sure of that. That's why I wanted to ask you about this, sir. You know, there were three or four times where Detective , or you went back to when Michael Brown turned around and where his hands were. And on August 12th, I mean, there wasn't even any mention with him having his hands up with his palms facing the officer or all the way up.

: I didn't say, when he turned, his hands was up, he was looking down to see where he was hit.

: Uh-huh.

: His back was turned like this. As he was turning around, still looking, when he faced the officer, there they were.

Above his shoulders now?

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No, they are right by his shoulders, right by his shoulders.

: On the 12th you only describe him as having his palms up toward the sky, right?

No, I did not say that they were pointing up. I said, his hands were up like this. I didn't state palms towards the sky.

: All right.

If you go say that, no, no, no, no, I never said pointed up.

: This isn't something he wrote.

I didn't say pointed up toward the sky.

: Detective asked you, your arms are like palms up and hands --

: Palms up?

: -- with hands or fingers are shoulder height?

Isn't this up?

: Palms up, right?

Is this up? I've got them down like this now, this is my depiction of up, not like this, this is my depiction.

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: All right. One thing that concerned me though is that people are coming forward and saying that he had his hands up.

: Above his head.

: Above his head.

: Like this, all the way up.

: All right.

He didn't.

: But consistently as it is described on August 12th, you have your palms up, right? And not facing towards the officer, but palms up, correct?

Right. When he turned to face the officer, his hands were in this position.

: Okay. With his palms facing out, sir, or were the palms facing up?

This is what I consider up.

So you consider this up?

: We need to be able to describe this for the tape, that's --

This is facing forward, to clarify?

Well, he was facing up then facing forward.

Okay.

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: Not like this. They were facing him, hands u like this is my hands palms facing the officer they weren't like this pointed towards the sky. They were pointed toward him.

: That's what I wanted to ask you is because on August 12th, I mean, you never said anything at any time about his palms actually facing the officer.

I said his hands were up. I never said his palms were facing the sky. I said his hands were up, about shoulder length, arms out away from the body, that's what I said. I'm going to stick with that because that's what I saw.

: Before the first volley though, his hands were coming down towards his rib cage?

Yeah, he was looking for them, he's still looking like. He's searching to see where he was shot. His arms were like this.

: All right. Now you have your palms sort of facing --

Right, like this. He is searching his body and looking at his arms and everything to see where he was shot.

: All right.

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: When he turned around and faced the officer, I'm going to say it again, this is what I saw. His hands was up shoulder length, palms facing the officer, not up toward the sky. That is my definition of palm, hands up, okay.

Now, when the people down the street demonstrate they say hands up, they are like this. Not like that, but like this.

: Hands straight up in the air?

Right.

: And that didn't happen?

: No.

And just to clarify there, you were then demonstrating that after he turned around, his hands come back down towards his rib cage and you were demonstrating, I want to make sure this is clear for the tape. If you don't agree with what I say, correct me, and I know that you will.

Uh-huh.

: When his hands come back down, you're demonstrating that his palms are then sort of facing towards himself as he is looking at his body seeing if he is injured?

: Right, still looking, he's

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looking again.

That was immediately before that first volley of shots?

Right.

: And that was at the time that the Officer Wilson was staying stop.

He had already stopped. He was looking, he was turning around, still looking. The officer said stop, he was turning. Okay. He's doing this, my back is to the officer. He is looking at his body like this. And just as he started turning, the officer said stop and he was still looking.

And then he looked up, and when he was caught looking at the officer, his arm proceeded to go out like this. Palms away from, facing the officer, arms away from the body, palms facing in I give up stance, I give up.

The officer again says stop. He wasn't moving, he took a step up. He stepped out on the street, his hands were still in the exact same position, palms facing up, arms away from the body and he shot him.

: Now, you just said though that before he shot, before that volley, his hands

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had come back down towards the rib cage.

He came down, right. He still turned around before the shots, he looked up and as he faced the officer, his hands went up. He was still doing this as he was turning, looking at hisself. He was checking his body out to see what was going on it.

As he turned, I'm looking, I'm turning, I'm looking, his hands like this.

: You have your hands and your arms --

Right, like this. It was away from the body, palms are facing like this.

: Palms are facing towards his own body?

Okay. I'm looking up, I see you, you're the officer. His arms went up. That's when I demonstrated to him as I was standing there, okay.

Now, he asked me a question, yes. Hands were up, that's it. This is what I say hands were up. Not this. Every depiction of everything that these people are doing out in the street so far, photographs and T-shirts, hands up. Not palms up, hands up.

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: The hands straight up.
Right.
: That's what they are saying.
My definition what I saw his hands were up like this, same way.
: Shoulder height?
But only they were here.
All right. But if I understand correctly, what you said today and what you said on August 12th is, he then takes a step or two forward off that curb.
Uh-huh.
: The officer was saying stop again.
: Uh-huh.
: And at the time of that first volley, his hands had come back down towards his rib cage where again he is looking to see if he had been shot.
I have to say he already had them down. As he turned, he started to face the officer, his hands were up. They didn't come back down again until after the volley was fired.
: The first volley?
: The first volley.

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: I know we went over that at length. So now, so tell me (inaudible) if so he's running away, he stops.

: Uh-huh.

: I'm looking around, seeing what's going on. He turns over this shoulder?

No, turn your back, you are looking at yourself.

: I'm looking at myself, okay.

: All right. Now slowly turn to me during the same thing.

: Over this shoulder?

: Whatever. And then as you turn and you turn around and face me, then your hands go like this.

I go like this. A round of shots go off, his hands are still here.

His hands are here and then he steps forward, stop.

As he's turning around, you said going like this, does he take a step forward?

: As he did that, he took a step forward, he said stop, but his hands was up by the time he said stop.

Stop.

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: He took a step, he was out in the street. When his foot hit the street, bam, bam, bam.

: So that's the first. So then where do his hands go?

He is like this, he is like this, they moving down.

He started doing this?

He didn't really tell, but he got hit.

You show it was kind of like a round.

It was like, oh, and then he stopped. And then he was staggering to stay on his feet, I'm staggering to stay on my feet, you're the officer.

Yes.

I'm staggering to stay on my feet and then I raise up like this, my hands are still in this position.

Okay.

All right. I'm staggering, I'm like this, I'm falling forward, I'm just staggering towards you, I'm coming towards you.

: Okay.

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: He takes three steps back as he started staggering. He's still in the position. When he started staggering forward, he let loose again.

But he is staggering forward.

That's how he was. He was barely up. He was trying to keep focus on the officer.

: When you say he fell, he didn't hit his knees, he fell face first.

: No, face first.

: The whole time he never moved his hands down like this?

They were coming down as he was falling.

: His hands could have been at his side when he fell?

It could have been.

Okay.

: Let me ask you one more time, they weren't --

: They weren't up under his body.

: You say on August 12th, you said Michael Brown standing facing the officer at

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this point with his hands at his rib cage or Detective says that and you say, yeah. And he says, hands, palm up and you say uh-huh.

And he was looking, he says he was looking down at his body at some point and you say, right, right.

You said the officer as he raised his head he told him to stop. He asked you, as Michael Brown raised his head. You say as he raises his head, he says stop right there. You say the officer said this. And you say, yeah, he did say stop and he left from that big spot that he was walking towards him.

And he asked you, towards the officer? And you say, toward the officer when he, as soon as he put his foot on the street, he hit him three times.

How many steps do you think he took before the officer fired? You told him you didn't count it.

So what you indicated there was at the time he takes the steps toward the officer, and the officer says stop right there, and then fires that first volley, you say that just before that, Michael Brown is standing, facing the officer at this point

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with his hands at his rib cage, hands, palms up. So this is while he is looking?

: They are about like this. Yeah, but they're not, they are like this, they are up.

That's fine. On August 12th you said that at the time --

: Right.

: -- the first volley happened, he was facing the officer with his hands at his rib cage hands, palms up. Is that accurate? Is that accurate what you said?

Yes, uh-huh.

: And then that's the first volley of shots?

: First volley.

: Okay, I think I understand. Hands up, no matter how you say it, hands up.

: At his rib cage.

Right, about right in here. He's a big boy.

: Right.

: All right. He had definitely given up.

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: The hands are at his rib cage at the time of the first volley of shots?

Right.

: And with his hands, with his hands --

Away from his rib cage, away. Not at his rib cage, away, his arms are still extended.

: Okay. So you have your hands kind of out by your sides now.

Is this my rib cage?

I'm just trying to understand for the tape. Your hands are now, they are lower now, hands down by the side.

All right. (inaudible) The ribs.

: Is it fair to say that at the time of that first volley, Michael Brown is standing, facing the officer, with his hands at his rib cage, hands, palms up. Is that yes?

: I don't like the phrase palms up because when you say palms up, I'm saying his hands are like this.

: all I'm doing is asking about your statement on August 12th.

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Okay. I didn't say palms up. Hands up. I never said palms up.

: Okay. Well, repeatedly on August 12th it was palms up.

No, I said hands up, I never said palms up.

: All right, that's fine.

I said hands.

: I don't think we have anything else. I just wanted to clarify that and make sure what we have here, but what you've indicated though is what you said on August 12th was accurate and that is at the time of the first volley he had his hands at his rib cage; is that right?

Yes.

: Okay.

Okay. So the interview is completed 11 (inaudible).

MS. ALIZADEH: Okay. It is 11:33, we just completed playing the recorded statement of that was done by the FBI. Just making a point of saying on the record that they took a break during the interview. And I did fast forward through the break because there was no conversation during that time period, so we went forward to where

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the interview resumed. Would you all agree with that? You heard resume the interview, correct, all right? Everybody is shaking their head, okay.

So we have here. Are we ready to bring him in? Everybody ready?

Anybody need to stand up, go to the bathroom? Let's take a two minute break.

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Would you please state your name and spell it for the court reporter, please?

A .

Q And, , I'm going to walk back here because if I can't hear you, and I have actually not the best hearing in the world, but I know we might not be able to hear you. The microphone that is in front of you does not amplify your voice, it is recording.

So, and if any of you at any time

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can't hear what he says, you need him to repeat something, please raise your hands.

So, can you tell me how old you are?

A .

Q And where do you live?

A .

Q That's in the Canfield Green Apartment Complex?

A Yes, it is.

Q And how long have you lived there?

A Uh, about years.

Q And back in August of this year you were living there; is that right?

A Yes.

Q And you lived there, I'm not going to ask you the names, but you lived there with ; is that correct?

A Correct.

Q And I'm going to show you, this is a laser pointer. So there is a little button right here and there is a map that is next to the witness stand. It is marked Grand Jury Exhibit 25. We have been using this for the past few meetings.

Do you recognize this as being the

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streets and the buildings that comprise the apartment complex of Canfield Green?

A Yes.

Q Okay. And just to situate yourself, this is Canfield Drive that goes all the way through the apartment complex, correct?

A Correct.

Q I will tell you over in this direction is West Florissant?

A West Florissant.

Q As you are going down Canfield in this direction you are going east and then the Northwinds Apartments are east of the Canfield Apartments, would that help orient you to how this is set up, correct?

A Yes, uh-huh.

Q So now can you use the laser pointer and point to what building you were living in in August?

A Right there. (indicating)

Q Okay. And so just so we can understand these buildings, these are apartments; correct?

A Correct.

Q Do you have to enter the building before you get into your apartment or does each apartment have an exterior door?

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A We have a porch, you walk up the steps, I stay on the second floor and I go through the door.

Q So from the outside of the building you walk up exterior steps?

A Yes.

Q And then your front door is on the exterior of the building?

A Correct.

Q And so is there like a little, is it wooden steps?

A Yes.

Q So is there like, uh, you said porch, like a little decking area?

A Yeah, a little small wooden porch.

Q Okay. And that's right where your front door is?

A Yeah, off, go from one side of the building, from one side of the steps all the way up, one continual porch.

Q So where you were pointing before, this little jet out on the roof of the building.

A Yes, there are steps right here. You come around and you go up these steps.

Q Okay.

A This is the overhang right over the steps.

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Q Okay. So this part is like an overhang that covers the steps from the elements?

A Right, yes.

Q And so you said that the decking or the porch, some people call it a balcony?

A Right.

Q It goes all the length of the building?

A Yeah, right. It spans almost halfway between where I am now where the red dot is and the end of the building, so just to about the middle.

Q Okay. Are there other apartments front doors on this side of the building?

A Mine is on this side, this is this is and the third floor and

Q If this is the west side of the building, there is other front doors is what I'm saying.

A There's one more.

Q Okay. And you all share that balcony then?

A Correct.

Q And you said you are on the second floor?

A Right.

Q So is there another way to get out of the apartment besides the front door?

A No.

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Q No slider, no glass or anything?
A Well, we have sliding glass doors, excuse me, other than the front door that opens out onto the porch. So we can get a breeze.
Q Okay. So you can go out onto the porch through the sliding glass door?
A Correct.
Q As well as the front door?
A Yes.
Q Okay. And so, um, from when you stand, now, is there any furniture on your porch?
A Yes, I have two chairs and a table.
Q Do you have a habit or just something you like to do is to sit out on the porch?
A Yeah, I like to sit out on the porch early in the morning. Sometimes, especially when the kids are going to school I sit out and keep an eye on them. And I have a neighbor downstairs who lives in the lower level and sometimes her and I sit out and talk, you know, since I'm collecting Social Security, I don't work and she's retired, and keep each other company, just keep an eye out.
Q Okay. And just, again, so I'm clear, does this porch or deck or balcony, whatever we are calling it, does it wrap around to the other side of

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the building?

A No, it doesn't.

Q So when you sit on your chairs, are you north of the little staircase?

A I'm right here. (indicating)

Q Okay. And so from that position when you are on your balcony at that position you have a good shot down Canfield?

A I can see all the way down to this end. Almost right to the bend.

Q Okay. So now, let's talk about the 9th of August. You know the exact times are not important, but this occurs a little after noon on the 9th?

A Yes.

Q Do you remember was there anything that memorable about your day prior to that? Do you remember anything happening or special?

A It was normal. I was watching the gentlemen that were working on this side here. They were making a lot of racket, they were doing a lot of plumbing and excavation over here.

My bedroom window is located on this side, so I can see this building completely and I can see up to about right here from my window.

Q Was home that day?

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A Yes, was.

Q Okay. Now, we know that other people arrived at the apartment, but in the morning, was it just you and your home that day?

A Yes.

Q And so just to be clear, from your bedroom window, which you say is on the north side of the building, there is no balcony?

A No.

Q You can't get out of your bedroom from there?

A No.

Q Okay. So, and it was a clear day?

A Yes, it was.

Q Sunny and hot, right?

A Right.

Q Do you have air conditioning in that unit?

A Yes, central air, yes.

Q Pardon me?

A Central air, yes.

Q So would you of had your windows closed, I mean, it is August 9th I would imagine you probably have the AC running?

A Well, we didn't turn it on, we like to keep it off for a while. We will turn it off early

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in the morning and wait until the temperature rises because can't take the cold that much. So I usually wait until maybe 1:00 or 2:00 and then I will turn on the air when it starts to get hot.

Q When you don't have the air on, do you have the windows open or closed?

A Open.

Q How about the sliding glass door, would that be open, do you have a screen for that slider?

A Sometimes has it open, sometimes doesn't. occupies the living room.

Q Okay.

A That's domain.

Q All right. So, at some point, we know that your brother and his wife come over to you and apartment, correct?

A Correct.

Q But at some point there is something that draws your attention to the street, correct?

A Correct.

Q Whatever it is, and we'll talk about it in a second, whatever draws your attention to the street, is that before or after your brother and his wife get there?

A It is practically simultaneous.

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Q Okay.

A I was looking out the window and I saw two gentlemen walking down, they were right on the middle line walking down the street. I couldn't overhear, but they were saying something to the workers. They were walking in the very middle of the street, which caught my attention.

I saw my brother's truck coming this way, so I got up to meet him at the door. That's what happened.

Q Okay. You saw two gentlemen walking down the middle of the street you say?

A Right.

Q And they were walking west toward West Canfield?

A Right.

Q I mean West Florissant.

A Yes, towards West Florissant.

Q Just to be clear about this, did you see them walking and then do you see them later in a different position?

A When I, as I saw them pass, I saw my brother's truck coming down, I got up.

Q Did you see --

A By the time I got to the door and opened

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the door, my brother had just pulled in.
Q Okay.
A They were located right about right here. (Indicating).
Q Okay.
A They had progressed past this one driveway and they were right about here, almost close to the next driveway.
Q Okay. And now the two men we're talking about, was one of the men Michael Brown?
A I later found out it was, yes.
Q But it is the same person that you later see get shot in the street?
A Yes.
Q And we know, we've heard from your previous statements that you knew who he was from the complex, but you didn't know his name on that date?
A No, I didn't.
Q And you weren't friends with him other than a polite greeting in passing?
A Yes, he has a friend who lives in this building right here. He would come through every now and then, he would speak to me and the lady downstairs or sometimes I see him at the store, at

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the QuikTrip or any of the other stores. He would always speak to me, I would speak to him.

Q But you recognized him as someone you had seen in the complex?

A Right.

Q What about his friend?

A I had never seen him before.

Q Okay. And Mike Brown, we know is a big guy?

A Yes.

Q He was 6'5" or something like that?

A Yes.

Q And the other gentleman, was he shorter?

A Shorter.

Q Skinnier?

A Thin, dreadlocks I think it was, braids, whatever you call them.

Q And so you saw those two guys walking from, they stopped, you saw them talking to the two construction workers?

A Yeah, kind of slowed down, they were talking to them as they were steadily walking.

Q Okay. So they didn't stop and chat for like 30 minutes or anything like that?

A Not for long, I don't think they stopped

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that long, no.

Q And at this point, other than you saw them walking down the middle of the street, was there anything that was odd to you?

A No.

Q Nothing?

A Nothing odd, no.

Q And so you see your brother driving his truck down and he pulls onto Caddiefield, does he park and he and his wife get out of the truck?

A He parks, almost immediately as soon as he comes in because right behind him was an officer, excuse me, he was coming in this direction. And my brother got out and heard him say something, I couldn't overhear what he said.

Q Okay. Let me stop. You said your brother got out and you couldn't hear what he said. Are you talking about your brother?

A No.

Q Saying something?

A No, by the time he got to the porch, the truck was coming down, the officer's vehicle was coming this way. By the time my brother got to the porch, he was just past the two guys. He slowed down and then he kind of went a little further and

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then he backed around and he turned around and he came in, like cut them off.

Q Okay. So let's stop. So your brother has got, what is it a pickup truck or SUV?

A He has a SUV.

Q SUV. So he's coming in from this direction, does he pass this Mike Brown and the other kid walking in the street?

A Yes, he had just passed. He had to pass them when he got to my driveway. They were past my entranceway right there, they were about right here.

Q So your brother goes past them, did he have to go like around them, are they still in the middle of street?

A Yeah.

Q They are still in the middle of the street?

A Right.

Q Your brother then goes this direction and you said you see a police vehicle?

A Right.

Q And is it an SUV?

A Yes, it is.

Q And it is a Ferguson vehicle?

A Yes.

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Q And you see it driving in which direction, coming from here?

A Going this way, going eastbound.

Q When is the first point you notice the Ferguson vehicle, where was it?

A When my brother pulled in, he was about right here. (indicating)

Q And you say he was driving this way?

A Yes.

Q East?

A Right.

Q And then does he pass the two guys that are walking in the street?

A I'm looking, my brother's back there, we looked around, him and his wife. He kind of slowed down and said something. And he had just got maybe a few feet past them, right about here, all right, and they were steadily walking. I couldn't hear from the distance, I couldn't hear anything that they are saying.

Q Okay.

A Next thing we know.

Q Let me stop you. Are you now, where are you in your apartment?

A I'm on the my porch.

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Q By the front door?
A I'm outside my on the front door right at the railing.
Q Okay. And so you stayed, you couldn't hear if anything was said?
A No.
Q And then what happens next?
A The officer backs his car up and he kind of put the car at an angle with the front pointed, okay. Let me see right here. His car was pointed toward that tree, there is a tree right there if you can see it. And I'm looking at the passenger side, we're looking at the passenger side, we couldn't see the driver's side.
Q So you're saying that the police vehicle was still pointing east?
A Yes, he was still pointing east, sort of east. He was sort of at an angle. I've got a 45 degree angle.
Q But he never turned around in the street?
A No.
Q So he passes the boys and then backs up?
A Yeah, and cuts them off.
Q Okay.
A He cuts in front.

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Q And then the vehicle stops at somewhat of an angle?

A Yes.

Q Okay. But from your vantage point here, you are seeing the passenger side of the car?

A Yeah, I couldn't see the driver's side. We're looking at the passenger side, and Michael and the gentleman were on this sidewalk, on this side.

Q So, let's be clear --

A No, they were close to the side -- they are on the sidewalk side, but they were still in the street.

Q Were they on the driver's side of the vehicle?

A At that time, when he cut them off, they were both on the driver's side.

Q Okay. So let me ask you, when they were walking down the street, did they stay on the yellow line in the middle of street?

A Yeah, they stayed in the street.

Q But the officer cuts them off?

A Right.

Q And so, but they're on the driver's side of the car at this point?

A Yes, but they are still in the street,

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they're not on the sidewalk, they are still in the street.

Q All right. And so is the officer's vehicle between you and the boys?

A Yes.

Q Now, we know Mike Brown was tall, could you see his head over the roof of the car?

A A little bit, yes.

Q Okay. But did you, was it, what about the smaller guy?

A Couldn't see him.

Q Couldn't see him?

A No.

Q Then why don't you describe what happened next?

A Okay. After the officer stopped and pulled in that position. Michael walked, something he was saying, I don't know what he was saying or whatever. He proceeded to walk towards the officer's truck on the driver's side. They was still located right here. (indicating)

Q Okay.

A Okay. Then my brother noticed, he said wait a minute, looks like they're struggling. We are looking at the car, we can see them tussling,

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all right. His head was above the truck for a moment and then it went below it.

Q Okay.

A All right. And it was still tussling. His friend had backed up a step back on the sidewalk, then we heard a shot. His friend ran this direction, Michael ran to this driveway right here, beside this building.

Q Just so we can be clear, this street is Copper Creek Court?

A Right.

Q So you are saying, you had the pointer, the little laser --

A Right, right here.

Q -- at the corner of Canfield Drive and Copper Creek Court?

A Right, he had ran towards this way. As he's running --

Q He's running east down Canfield?

A As he's running this way, the officer got out of his truck, came around from the back, got to this side where he was now on the driver's side because he had a clear line of Michael over here.

Then he assumed his position with the pistol. As he turned around, as he came around, he

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was coming up with the gun. He held the gun up like this. (indicating) When he got to here, Michael was standing right on the grass and he was like looking down at his body.

Q Okay. Let me stop you here. At this point have you seen anything in Michael's hands?

A No.

Q When he was stopped, when they were talking down the street, did you see anything in his hands?

A No.

Q How about the other boy, anything in his hands?

A No.

Q They weren't carrying anything that you saw?

A No.

Q And then you said, you know how important some of this gesturing has been, right?

A Uh-huh, right.

Q So they are here to actually witness what you are going to do. And so you say when Michael Brown gets to, is he in the grass actually?

A He's is standing at the very edge. Okay. The driveways are blacktop, he is stopped right at

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the blacktop right, at the very edge.

Q Okay.

A His back was turned to the officer.

Q Okay.

A And he had his hands like this, like he's looking down at his body to see.

Q Okay. Can I ask you to stand up that will really help them to see what you're doing and he's stopped now?

A He's stopped with his back towards the officer and he stopped and he was doing this. As he was trying to see where he was shot.

Q Okay.

A All right.

Q Uh-huh.

A As he was turning, at that time the officer had already been around to the back of his truck and got into his spot. By the time he got there, while Michael was there, he was slowly turning around and the officer said stop. When Michael turned around, he just put his hands up like this. They were shoulder high, they weren't above his head, but he did have them up. He had them out like this, all right, palms facing him like this.

The officer said stop again. Michael

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then took a step, a few steps it took for him to get from that blacktop to the street. When he stepped out on the street, the officer said stop one more time and then he fired. He fired three to four shots. When he hit him, he went back. Can I stand?

Q Sure.

A When he hit him he, did like this, and he went like, like his balance -- he started staggering and he looked up at the officer like why.

Q Now, just to be clear, you can't hear him say anything?

A I can't hear him say that, but he's looking at him and he is doing, you know. So then as he's stopped, he's trying to steady, he starts staggering, my brother says, he's not going to stand up, he's getting ready to fall, he's getting ready to fall.

He looks like he was trying to stay on his feet, and he started staggering toward the police officer and he still had his hands up.

At some point between the officer's truck, which by that time this is about 30, 35 feet, when he reached out into the street, he started walking toward the officer, the officer took three steps back and he yelled out stop to Michael again

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three times.

Michael's steadily walking toward him. More or less to me and to my brothers, he was staggering.

Q Okay. To your brothers, did you have more than one brother?

A Well, I mean my brother. I didn't mean to say brothers, my brother. He was staggering, you know. And as he was staggering forward, his head, his body kind of went down at an angle. He was like this, more or less fighting to stay up. You could see his legs wobbling.

Q Were his hands the way you had them?

A His hands were coming down like this, all right. And he had his head up and he's facing the officer like this and he is steadily moving, and the officer was moving back, stop. He yelled stop the third time, he let off four more shops, but as he was firing, Michael was falling. After he stopped firing, Michael, he went down face first, smack.

When that happened, another police truck SUV pulled in behind him, again, assumed almost that exact same spot. He pulled in almost at the exact same angle.

The officer, when we looked around,

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he was gone, we didn't see him. His friend, we never saw him.

Q When you said we looked around, the officer was gone?

A He left.

Q Are you talking about --

A He didn't drive off, he walked away. He must have walked back to the other officer.

Q Okay. Are you talking about the officer who did the shooting?

A Who fired the hot.

Q Okay. He had walked away from Michael Brown's body?

A Right.

Q Okay.

A He walked back and the other officer was coming towards the driveway. We never saw him. This is when I lost sight of what was going on.

Q Why did you lose sight of what was going on?

A Because freaked out, and sister-in-law freaked out.

Q Did you go inside your apartment?

A No, was standing right at my shoulder.

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Q Okay.

A Okay. All I did was turn around, was like oh, my God, was about ready to collapse. , oh, I never seen anything like that. That's when my attention turned to My brother's attention turned to his wife. She was standing to right. My attention was to . So when I grabbed to try to calm, because get together and got in, backed up and went in and sat down. I told hold on, I'll be right with you.

My sister-in-law came in and she walked in the door and she was freaking out. She is running all through the house. And when we looked back, we never saw the sight of the other officer. We saw the other police officer walked up to the sidewalk. He stopped right there. And then everyone from this side, from this building, this building, started running up to the front. And then there was a crowd that came from this way.

It is almost like someone had, whatever kids are doing and the crowd is whoosh, came right there, that was it.

Q Okay. Now, you wear glasses I see?

A Yes.

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Q Do you need them for distance or reading or both?
A Both.
Q Did you have them on that day?
A Yes.
Q So when you wear your glasses, would you say your vision is good?
A Yes.
Q Okay. Now, after the officer shot Michael Brown and he went down in the street, did you ever see anybody move Michael Brown's body or than when they took it away?
A No, huh-uh.
Q What about the officer who shot, did you ever see his car move after that?
A No, it stayed in that position the whole time.
Q Okay. And then you know that, did you see later in the day that there were multitude of police officers there?
A Tremendous amount.
Q And did you see that they were doing crime scene work, they're collecting things, they're taking measurements, did you see any of that?
A I saw a few of them. When they got there,

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they put tapes up, can't even see there's a pole and another tree right here. They ran it from here to a pole here, across the street and then there's another tree here. They had almost like boxed it in right there.

While they were doing it, that's when the stepfather, I later found out was the stepfather and his cousin were coming down the street. She was screaming and hollering, and my focus was on the stepfather because I was trying, they was trying to keep him from crossing the tape. He wanted to go over and see his body.

When he got there, I left out of my apartment, went around the street, got right up here where his head was pointing towards this direction to see who he was. I had an idea, but I wasn't sure. When I got there, I saw his face, that's when I noticed who he was. When I saw that, I'm like oh, my God. So I went immediately back. I just wanted to go down there to see.

I'm still worried about and my sister-in-law because they was still freaking out. When I got back, the lady that is downstairs with me and I told her. You know that big guy that we see? We call him the gentle giant. You know the

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gentle giant that comes through? She say, yeah. That's who is laying out in the middle of the street, and then she freaked out.

Q Right, of course.

A Uh-huh.

Q And , I'm not trying to confuse you or have you change your recollection in any way?

A Okay.

Q After this occurred, police officers arrive on the scene and were taking photographs, did you see any of that?

A No, I didn't.

Q Okay. I am going to show you a couple of photographs that were taken and these are photographs that have been identified previously as contained in Grand Jury Exhibit 3. Detective , the crime scene person, had taken these photographs. And I am going to show you what I've marked as Image Number 24.

I didn't mark it, it is already marked as Image Number 24, okay. Now, looking at that image, if I tell you that in this direction the cameraman is facing West Florissant.

A Uh-huh.

Q And this is the officer's vehicle in

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street, do you see which direction it is facing?

A Yes, it is right there.

Q But it is generally, you're right, it is catty-corner, but it is facing towards West Florissant?

A Right. I'm thinking, see here is the sidewalk. See where it is looking towards me is right down the street.

Q So I'm going to show you Image Number 25, which is a little closer view of that vehicle?

A Yeah, I'm still seeing it's pointing toward the sidewalk from my viewpoint. It is pointing toward the sidewalk.

Q And this direction is West Florissant?

A Correct.

Q Does that change your recollection of which direction the officer's vehicle was facing?

A Yes, it does. This is wrong, this is wrong.

Q You are saying this is wrong and I want to make sure we're clear on. Do you believe that the pictures are wrong?

A From the angle.

Q You think that the pictures are wrong from the angle. Let me see if I can find different

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pictures from different angles. This is Image Number 18. That's Officer's Wilson car there.

A Okay.

Q This is Number 19, this is Officer Wilson's car?

A Yes, okay. My apartment is on this side. So, yes, that is correct.

Q So does that change your recollection about which direction the car was facing?

A I'm saying, yeah, I still say it was pointed towards the guy, his body. This is the angle, yes, I had it this way. It is that way from my angle from where I'm looking.

Q Okay. So but you still believe that the officer's vehicle came from this direction?

A Right.

Q Okay. And it never turned around in the street?

A I didn't see it turn around.

Q Do you know how the officer's vehicle got --

A He did it, he went past here as he was going, all right. And then he eventually backed up and turned. (indicating)

Q So it backed up?

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A Yeah.

Q And so put it in reverse, I assume?

A Right, in reverse and turned around, cut him off because they were still in the middle of the street. When he passed them, he had to get a better angle so he could get closer to them, I guess.

Q Okay.

A So yes, you are right. From my angle, the truck was there.

Q As we're looking at Image Number 29, which is again West Florissant to the right of the picture.

A Uh-huh.

Q This would be the north side of the street?

A Right, this side right here.

Q This side of the street is the north side of the street?

A Right, uh-huh, that's the north side.

Q You are standing on the sidewalk on the north side of the street, that's the passenger side of the vehicle; is that right?

A Right.

Q And your apartment is actually on the south side of the street?

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A No, it bends around. See how it bends around? The truck is pointing this way, I'm still looking down toward it, I'm still, I'm looking at the passenger side.

Q Okay. Now, from the point that you saw Michael Brown stop and he turned around, to the point where he eventually fell into the street, can you give me an idea, your best estimate of how far that was?

A I'm only guessing from where the officer was standing the first time he stopped, about 30, 35 feet.

Q Okay.

A I might be off on that.

Q Okay.

A Because you understand also I'm way back here, this.

Q Right here?

A Right here.

Q Okay.

A They are located right here. So to judge the distance from there to there, you know, I may be off from that.

Q Sure. But he runs in this direction, comes to about this corner and turns around. Do you

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recall when he turned around, did he turn around so that he faced your direction or did he turn the other way clockwise or counterclockwise or do you know?

A He turned over left. So that would be what, counterclockwise, yeah.

Q So if you are the officer and I'm Mike Brown.

A Spin to your left, turn around to your left, like that.

Q So as he turned towards the officer, his back went to you?

A Yes.

Q Okay.

A Uh-huh.

Q Now, you said in a previous statement that when he was looking down, it looked like he might have been looking at his hands.

A Hands or side or whatever, he was trying to look, I said looking at his body to try to see where he was shot.

Q And you said previously that you could see something on his hand?

A Yeah, it looked like he had something from the distance, we weren't quite sure. In fact, we

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kind of discussed that. I have told the officer it looks like he had something on his hand, but I can't give you 100 percent, I can't say for 100 percent that it was something.

Q Okay.

A Because the distance I'm from him, I can't really tell.

Q Sure.

A You know, that's what I thought.

Q As he turned around and he's turning around away from you to face the officer, then if he's on this corner and you are right here, you're seeing him primarily from behind?

A Right, his back was turned. When he got to the edge of the driveway where your finger is, his back was turned to us and his back was facing our side of the street. He had stopped. This is the street, he stopped and he did like this. And he was turning around like this, you know, on the left side as you turn, that's the way he was turning.

Q He turned to face the officer, was the officer in the street actually?

A Yes, he was at the rear of his vehicle at that time. He had to pull his gun out and he had it in his hand, you know, the defensive spot I guess,

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or whatever they said it is.

Q Michael Brown would have been looking back in this direction?

A He was looking, okay. The officer was standing on this side out in the middle of the street right here. He was looking this direction, not that way.

Q This is the sidewalk right here.

A Well, he is looking out this way because the officer's truck is still in the street. He's at the rear of the truck, he's at the rear of his vehicle.

Q And his vehicle was pretty much in the middle of the road, correct?

A Right.

Q So the officer is in the middle of the road?

A Practically, not in the middle, not in the middle, he's closer to the side, he's closer to the street, to the sidewalk.

Q On the south side?

A Yes.

Q Okay. So when Michael Brown turns, he's looking in this direction?

A Yes, he's trying to see where the officer

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is.

Q So from that direction, and where your vantage point is, you can't really see his face at that point, correct?

A No, just the side view.

Q Okay. And so you say, you said then at that point his hands go up?

A Yes.

Q And the officer is telling him to stop, but he moves towards the officer?

A Correct.

Q Okay. And if I were to tell you that from this corner of Caddiefield, I'm sorry, Canfield Drive and Copper Creek Court to where Michael Brown's feet were in the street, in other words, when he fell down, okay, and his body laid there.

A All right.

Q From his feet to that corner is 48 feet and 2 inches, does that sound about right?

A I couldn't say for a certainty. If you say that's the measurement, that's what it is. I don't know the distance.

Q Okay.

A I'm not good at that distance.

Q Okay. But you saw him travel, when I say

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travel, he moved from this corner toward the officer until he was down dead in the street?

A Right.

Q And if that was measured, I don't want you to comment on somebody else's accuracy, if someone measured it and said it was 48 feet and 2 inches?

A I would have to agree.

Q Does that sound about right?

A I would have to agree, but I'm saying from my vantage point from what I thought or assumed, it looks like it was about 35 feet. If it measured that much, then it is.

Q Okay. And as you say he turns around, he puts his hand up and he starts to move toward the officer, you hear the officer tell him to stop?

A Right.

Q And you said he gets two or three steps and the officer shoots pow, pow, pow, three or four times?

A Yeah.

Q And at that point you kind of acted, not acted, I didn't mean to say acted, but you demonstrated that he kind of appeared to have been hit?

A Yes.

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Q Did you see blood on him at that point?

A From my distance we couldn't see it.

Q Okay. And at that point also, I mean, you are seeing him kind of from behind also?

A No, we're looking dead almost to his side. Turn your shoulder facing her, I'm looking at your side.

Q Okay.

A About like that.

Q A full profile?

A I'm looking at his profile.

Q Okay. And then he takes a few more steps toward the officer, I mean, if the measurement is correct, at some point he travels 42, or 48 feet and 2 inches from the corner to where his feet were. But he only moves twice, according to what your recollection is, correct?

A First time when he told him to stop, he moved and stepped out into the street. Then he started to stagger forward, the officer took some steps back. He told him to stop, he yelled stop three times again and after he yelled the third stop he fired again.

Q Okay. Now, after the first round of shots, not in the car, but after Michael Brown

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turned around and you say you said his hands were in this position. (indicating)

A Yes.

Q Or thereabouts?

A Correct, about shoulder height.

Q After he turned around, now you've said previously that his hand kind of went limp by his sides?

A Yeah, well, they started to come down after he fired off that first volley.

Q Okay.

A He started coming, he was trying to keep himself up. He looked like he was hit, so his hands were naturally coming down.

Q So if you have a profile of him.

A Uh-huh.

Q And his hands are like this, as his hands come down, could it be that his hand went somewhere around his torso? (indicating)

A No, his hands kind of came, they were still out to the side, he was still like this. He was trying to balance hisself, his hands came down about chest or waist. He had his head up looking at him and he was staggering, trying to stay on his feet.

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As he was moving, he was staggering and that's when my sister-in-law and said, oh, my God, he's getting ready to kill him. And that's when the officer was backing up and that's when he fired, I think he yelled stop, excuse me, he fired the next round, next volley.

Q Okay. I'm not going to be so, I'm not going to belabor this too terribly much. Do you recall in your statement with the County Police, you said after he was shot the first time his arms went limp to his side?

A I said his arms were coming down, yes, they were coming down.

Q Okay. And I know you haven't had an opportunity to review your statements and I understand that and your first statement was on August 12th, so this would have been like on a Monday after that shooting happened, 9th, 10th, 11th 12th, no, Tuesday, I guess. So I'm going to show you what has been printed up, and this is a transcript that is of August 12th.

A Okay.

Q Detective , do you remember him?

A Yes.

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Q And there was another detective, correct?

A Uh-huh.

Q And they spent almost an hour or about an hour talking to you that day. And at some point, I'm going to refer you to page number 21. And you talk about where his hands were after the first volley of shots. And then you say after he hit him with the three shots, they came down?

A Here, and I stood up and I showed him. Like I said, his hands were about right here and they look like he, looks like his hands, like I said in the statement were limp, they were going down.

Q Detective says, okay, where at? And you say, down besides his body like this. So obviously you are demonstrating.

A Yes, coming down. By the time, when I showed him, he asked me where they were, I stood up and showed him that his hands were coming down. They were down almost by his side, they were coming down.

Q And then he says, okay, and you are basically putting your hands down at your side and you say, yeah, they were like they went limp.

A Yeah, they were like this.

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Q Okay.

A This is the way I demonstrated.

Q Okay. And that's one of the problems because obviously we can't see what you were doing that day.

A Right.

Q And so that's why all of these times people have been asking you, they go into, seems like great lengths to try to describe what you are doing, but for these people, if you would stand up please one more time.

A Okay.

Q As Mike Brown stops.

A Right.

Q At the corner.

A Uh-huh.

Q Do what you say you saw him do with his hands?

A The first time?

Q Yes.

A After the shot was fired from the truck.

Q Yes.

A When he reached right here.

Q Uh-huh.

A His back was turned. He was like this,

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looking at hisself to see what is going on. And he started to turn with his back to me like this, he had his hands up like this, and he looked at the officer. The officer was at the back of his truck, he yells stop.

So Michael took a step from the blacktop to the street, he was walking towards him. He was walking towards him, but he had his hands up like this. (indicating)

When he stepped out into the street, the officer fired three times. When he hit him, he started to stagger around and his hands started, like this coming down, so his hands were going limp and he was staggering toward the officer.

As he was moving towards the officer, the officer was moving back, and the officer told him stop, stop, stop. By the time he said the third stop, Michael was still trying to stay up on his feet. That's when the comments were made behind me, no, he's not going to shoot him again, the man can't even stand on his feet. The next thing I know, he fired the other shots.

He couldn't hardly stand up, so when he fired, he was going down. When I went down and I looked and I'm saying okay, that's the only way he

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could have hit him in the head. He had to be going down.

Everyone come back from the back said, oh, no, he went down to his knees. He did not go down to his knees. And then they said, the officer walked up to him and shot him in the back of his head. No, that's not what happened, okay. The officer didn't walk over there and say okay, bam, no, he didn't do that.

Michael did not go down on his knees and stand there like that in front of the officer like that. When he shot the last rounds, he went down and he landed face first. Okay. When he hit that ground, that's when my attention went from him to her.

Q Right.

A All right. That's when everyone started running up here making accusations and assumptions they saw this young man lying down in the street. They saw this police car, they saw the other car over here, this other officer on the north side of the street, on the sidewalk, then it went from zero to 100 in a split second. Because the crowd got there and then you had everyone that's on this side here in the immediate building right across from him

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that everyone over here came out.

It went from whew, it was terrible.

Q And from the time that Michael Brown stopped on that corner until he fell in the street, are we talking about a matter of just a few seconds?

A A few seconds. Again, that incident as I've described from the people coming up, that incident after that first shot, initial shot at the truck when they ran it went from zero to 100 in a split second also. It was slow motion to us, but it was moving.

Q And just backing up briefly and talking about what happened up at the truck. You said that because the truck was pointed toward Northwinds and they're on the driver's side, the car is between you and them, correct?

A Right.

Q And so you can't really see what's going on inside the truck, would that be fair to say?

A No, we couldn't.

Q You said, at some point in the previous statement you said, when the officer fired or when he heard the gunshot, it seemed like he was trying to get him off of him?

A I don't know what was happening in that

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truck.

Q Okay.

A I could not tell you. I could not see. All we could see was there was some type of disturbance or altercation at the side of that truck, okay. We could not see if the officer got out of the truck and/or Michael they say he got out and Michael pushed him back in. We can't see that because we are on the opposite side.

All I know is that when we heard that shot and his friend went that way and Michael went there, the officer exited his vehicle, came around to the back and assumed the position. That's what we saw.

Q Okay.

A And then after that, whew, they scattered. It went bam, bam, bam, bam, it went so fast.

Q But do you remember on August 12th, again, I'll show you here on a transcript when the officer was asking you, and he's talking about what was happening, what was going on at the car.

A Right.

Q And Detective says, who never exited the car? And you said, the officer. And he says, okay. And you said, he never exited. He shot

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him to get him off of him, that was your impression on the 12th?

A Right, that's my impression on the 12th.

Q Okay. Has that changed, do you still feel that the officer, in your opinion, it looked look he was trying to get him off of him?

A Whatever was going on in that truck, if Michael had a grip on him or he had a grip on Michael, some way he just felt the only way he can get him out or so that he can get control of the situation was to fire. He fired.

When he came out and he stepped out into that street and he fired the first volley, we figure okay, that's it. We were also yelling at him, and my sister-in-law yelling, stop man, stop, stop, stop.

As he was staggering forward, that's when he said oh, my God, he's getting ready to kill him because he backed up, the officer backed up and then he shot him again.

To this day no one is going to change my mind, if he had not fired that last volley, that young man would have been alive. Because even though he was coming toward him, he had no weapon. His hands were coming down. They were not in front

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of him they, were to his side.

Q Okay.

A He was staggering, trying to stay on his feet. The only way he could have got shot in the top of his head when he was firing that last round, he was on his way down, he hit him in the top of his head. Eye, top, only way.

Q So in a matter of seconds, you can clearly see that Michael Brown was going down?

A Right.

Q When the second volley went out?

A Right.

Q When the second volley went out.

A That second volley went off, he was coming, you can almost tell his body was going limp because he was like this, he was like this. He was looking up at him, like I'm looking at you and I'm still trying to stay on my feet. Only way he could do was go down, he's top heavy. The man was 290 pounds. (indicating)

Q But from this point to where he moved toward the officer, you would agree if the measurement said 48 feet, that that's about right?

A I said 30, 35, if it says 48, it was 48.

MS. ALIZADEH: Sheila, do you have any

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questions?

MS. WHIRLEY: Yeah, just for clarification.

Q (By Ms. Whirley) You heard the first shot in the car; is that correct?

A At the car.

Q And when was the next time you heard shots?

A Was when Michael got to this driveway.

Q Okay. So when the shot was fired at the police car, Michael ran?

A Right.

Q Did the officer trot or run after him?

A No, he exited his vehicle, Michael was going in this direction to here. He had to come around so he can get an eye on him. If he went around to this side, I don't think he could have seen him. I mean, if he hadn't of stopped, I don't think he would of had a good line of sight on him.

I think in his mind, the only way he thought maybe he thought he was going to run back the way he came, I don't know.

Q Okay.

A What was going through the officer's mind, I don't know his procedure or what they are trained

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to do. All I know is he came out of the car and he came around to the back. He was standing at the rear.

Q Okay. Did he shoot at Michael Brown while Michael Brown was running?

A We didn't hear no shots until after he got there and he moved off. When Michael got there, he had already stopped. He stood right there and the officer told him stop.

Q Okay.

A Even though he had already stopped.

Q Okay. So between the time that Michael Brown ran from the police car and Michael was at the intersection of Copper Creek --

A Copper Creek and Canfield.

Q -- and Canfield. You didn't hear any shots fired?

A No.

Q So Michael Brown, he tells Michael Brown to stop?

A Right.

Q Michael Brown had stopped, but his back was to the officer?

A Yes, and he was turning, he was turning as the officer yells stop.

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Q At the time that his back was to the officer, did it appear to you that he had been shot?

A I assume that he was because his hands was up, he was standing with his back to us, but he was looking at his body. As he was turning, he was still looking down. And, you know, when he yelled stop, his head came up and was looking at the officer, and he did like this. (indicating)

Q Okay. So when he had his back to the officer and he had stopped at that intersection that we just talked about.

A Right here. (indicating)

Q He appeared to be shot to you at that time?

A I assumed he was.

Q Why?

A Because of the proximity of him and the officer at the truck.

Q You felt he must have been shot at the truck?

A Right.

Q Okay. So he turned around and you already demonstrated that he had, he was staggering and he had his hands up, was it in your opinion was he surrendering at that point?

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A When he left from here and he was walking toward him, I believe he was giving up.

Q Why?

A Because his hands was up, he was walking toward him. Where was he going to go. The officer was standing there with a gun dead aimed on him.

Q And you never saw a weapon with, you never saw Michael Brown with a weapon?

A No, no.

Q Did you ever see Michael Brown appear to be reaching for a weapon?

A No, no, his arms never went down to reach for his belt, his hands stayed in this position until he stepped off, off of this right here into the street. And then when he got shot, that's when his arms started moving. He was like oh, my God, that's it, okay.

At that time when he fired off that first volley right there, it still didn't look like he was trying to reach for any weapon, he was trying to see what was going on, where he was hit, all right.

As he was coming off of there and fired that next volley, his hands were coming down beside his body. It was like he got hit, that's it.

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He started staggering, he was staggering as he was doing it. As he came, his body, his torso, his legs were straight up, but his torso was almost like at a 45 degree angle with his head came up to look at the officer.

The officer moved back three steps as Michael was walking toward him or staggering toward him, he took about three steps back and he was still yelling. I clearly heard him tell Mike, stop, stop, stop. But you can say that the man was in distress, he was trying to stay on his feet. As he said that, after he said the last stop, he fired.

Q Could you tell, I know you said you are not good with distances, but could you tell how far the officer was from Michael Brown when he fired those last shots?

A After looking at it, again, I'm bad at distances, but I would say at least about 20, 25 feet.

Q 20, 25 feet. Okay. I'm going to walk out and by that I mean I'm going to come where you are in this room.

A Uh-huh.

Q And then I'm going to start going backwards so you can let us know how far, I'm going

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to be Michael Brown and you will be the officer, okay?

A Okay.

Q So I'm going back, and you let me know when it is the distance that it appears to you how far they were when the officer fired the last shots. Farther than this?

A Close to.

Q Close to this?

A Close, might be a few feet further back. If not 5, less than 5 feet further back.

Q We are talking 15, 20 feet?

A Right.

Q Okay. And in your opinion, right before the officer fired those last shots, well, first let me ask you this, you said that he was going down and that's how you think he got the head shot, how did you know he was shot in the head?

A We went around there, the amount of blood, excuse me, after they covered him up, they put a white sheet over his body, white sheet covered his head. When I went back up there, the sheet had, this is his head, the sheet extended about this far out, about 2, 3 three feet this way, about 3 feet this way. It was completely soaked. Can only come

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from the head shot.

Q Soaked with blood, the top of it?

A The sheet was soaked. It turned from white to complete red.

Q So you knew he was shot in the head, did you ever --

A I didn't know he was shot in the head.

Q Okay.

A I didn't know he was shot in the head. I assumed he was shot in the head.

Q Got it.

A Later on when it came out that he was shot, because when we looked at myself and a few other people looking at it, they say there was another older gentlemen standing up there and this lady oh, my God, he must have been shot, all that blood. He must have been shot, he must have been shot in the head, you know. That's when they were all up over on this side of the street was saying yeah, he walked up to him, pow.

Q You knew that wasn't right?

A I knew that was wrong.

Q Okay.

A But I wasn't going to say anything because I lived out there years, okay. To go against

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anything that they have already assumed would be to put , , I'm not in good health. My only concern is . I'm sorry that man got killed, I'm sorry for his family, but I wasn't going to do anything that would jeopardize .

Q Okay.

A That is my main concern. That's why I'm out there.

Q And those last shots, in your opinion, the officer did not have to fire because Michael was already disabled?

A He was already disabled, yes, in my opinion he was already disabled because you could clearly see the man was in distress and was trying to stay on his feet.

Q It does not appear he was charging the officer?

A No, he was not charging.

Q Or threatening the officer?

A He was not threatening, he was staggering toward the officer.

Q Okay.

MS. WHIRLEY: Anybody else questions? : . The last

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you guys were just talking about. So your opinion right before the last volley of shots, he had lost control of his body when the yelling stop, stop, stop, your opinion is that he couldn't stop because he had lost --

A No, he couldn't stop because he was wobbly, you could see he was trying to stand up. You could see clearly, we could see he was trying to stand up. That's when and them were yelling at him, man, stop, please stop, please stop, he was trying to stand up. Because the way of the angle of his body, he was like bent over with his head up. And you could see almost instantaneously, you can see him going down. You know, that's why everyone sitting up there talking about he went down to his knees he went face first.

: I'm going to say it again, your opinion then is that you felt like he could not stop?

A No.

He could not control his body?

A No, he could not control his body, he had been hit. I don't know how many people in here or if anyone has, but I know I have. I've been shot.

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And when that bullet hits you, you don't immediately feel it. First thing you feel is the heat and when that heat hits you, everything goes haywire.

He could not stand it okay.

: I have a question. When you and Kathi were talking, she indicated it was 48 feet and 2 inches from where he was first shot at the corner to where he was last shot. When he was last shot and fell to the ground we determined that it was about 20 feet, you said 20 to 25 feet, we determined 15 to 20, we are going to split the difference 20 feet, okay. Heated situation, everybody is crazy.

A Uh-huh.

: The officer doesn't know whether or not he has a weapon and Michael Brown is still moving forward.

A Yes, he is he is staggering forward.

: If it took just a few seconds for him to travel 48 feet and 2 inches, it wouldn't take very long for him to travel 20 feet, right?

A Right.

: What do you think the officer should have done?

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A After he fired and he was coming --

: He was coming towards him, I know you say he was staggering, but the officer did not know any of these things.

A I don't know their procedures. Okay. They're saying he's coming, he's probably menacing, I've heard all kind of things.

: You can't really see his face though, right?

A I cannot see his face, but I can clearly see his hands were coming down.

: You can see like this?

A He was not coming at him in a menacing way. He was fighting to stay on his feet, he was steadily walking, he's steadily walking.

I understand.

A As he's walking toward him, he's staggering toward him, the officer is backing up. He backed up. All right. Then he fired the last shot. He kept on going, he made a few steps and then bam, he went down now.

Now, I don't know the distance that it was he had moved a certain distance before he fired the last few shots, okay. He staggered, if it took that many steps, then that's what it took,

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that's what I saw.

: .

A Yes, ma'am.

: You know now that he don't have any weapon, but at that moment when that happened, you don't know if he has a weapon or not?

A I cannot see any weapons in his hand.

: Okay. You don't see it.

A I do not know if he had any on his body, but I didn't see any weapons in his hands.

I understand, sir. I want you to answer me, at that moment you were sure that he didn't have any weapon?

A Yeah.

: You don't see it?

A I don't see hit.

But you are not sure he don't have any weapon?

A Right, that's my assumption, yes.

Your assumption?

A Right.

: I don't mean to pick apart --

A Right, that's what your job is.

But you said in here in

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your statement on the 12th, you said I'm going to call it or I'm going to say it, I feel like he was executed. From what you are describing to us, you know, the police officer saying stop, stop, stop, and him continuing to move and even moving after he's injured, um, do you still feel that way?

A Yes, because I don't believe he had any weapons on him.

: You don't believe --

A They didn't find any weapons on him. He was hit, he was in distress, he was coming at him and he wasn't coming toward the officer to do any harm, he was trying to stand on his feet.

And the only direction his body could move was forward, all right. He knew he hit him, he know how many shots, but as big as Michael was, I don't know what's going through his mind. I can't read his mind, the officer's mind. Maybe he thought that Michael was coming at him as big as he is, he could still do some harm to him.

Maybe he did.

A That's why he felt like he had to use deadly force. I'm seeing someone who is hit, who is clearly in distress, who cannot stand on his feet, why?

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: Again, I'm going to go back to what you just said. I just have to know, this is very important. You said you don't know what's going through the officer's mind, maybe he did think he was in distress, you just said that, right?

A Yeah.

He didn't know whether or not --

A He could see that he was in distress.

But he didn't know whether he was in danger?

A He didn't know whether he was coming. He may have assumed that hey, I got this 6'5", 290 pound guy and I already put four bullets in him and he is still coming.

: And he's still moving toward him?

A And he's still moving. But he should have clear sight to see that this man was in distress. He could see that he could not, barely stand on his feet. But to take to fire four more rounds was excessive in my opinion, okay.

: Thank you.

: . Um, you

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said when the officer exited the vehicle after the first shot is fired what, in your mind, how, can you picture how many seconds it took, he came out, you say, did he come out already, drawn his weapon?

A I can't see him from the driver's side. As he was coming around, you could see the gun in his hand. By the time he got to the back bumper of his truck, it was in this position. He had already unholstered, he had to cause by the time he got to the back of the truck, it was coming up and he got in that stance quick. (indicating)

: If anything would have been in his vision in order to not see Mr. Brown, because you said --

A Well, he had to turn his back to him for a split second because he's coming around from the back of the truck, he's running this way, Michael is going that way, but he came around to the back of the truck.

: Right.

A To get a line of sight on him. So he had for a split second to come around, but as he's coming round, he could see through his windows. He could look through the windows of the truck to see where he is, okay. But when he came around to the

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back, he had a better line of sight, but no obstructions to where no one, these two, three people would not be sitting there, then I gotcha.

But as I'm coming around, I got all of this glass. I can see through the glass, okay. I see which direction you are going in, okay. I'm coming around, I'm looking through the glass. I'm coming around, I'm at the back of the truck, I see where you are, now you are in the front of my truck the officer's side, now I gotcha.

The officer, even though he came around his vehicle, did he ever come at an angle closer because I think I believe I read in your testimony on August the 12th that you said that he had set at angle, like catty-corner --

A When I said at an angle, I was giving the position that the officer was standing in. He wasn't like this, he stood like this. (indicating)

: Right, but then the officer moved closer to curb?

A So his body was at an angle, his body was like this and his truck --

MS. ALIZADEH: Hey, hey, just for the sake of the court reporter, he can't take it down when both of you talk at once.

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A Oh, I'm sorry.

MS. ALIZADEH: I'm just, I encourage the question and answer, but it helps him if.

A We don't talk.

MS. ALIZADEH: The question goes and then answer goes, and then the question goes, so he can take it down, sorry.

A I'm sorry.

: I'm sorry.

MS. ALIZADEH: That's all right.

: So the officer is at an angle position to fire?

A Right.

: Okay. He calls stop, stop, was there any other vehicles in his way of vision?

A None.

: Where he had to go around more?

A No.

: To see Mr. Brown?

A No.

: Okay. Did you ever see Dorian once they both broke away from the car?

A Who is Dorian?

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The guy that was with him?

A Oh, I didn't know his name. I never knew his name. No, huh-uh. Once Michael hit that side, we looked back, I didn't know where he went. We assumed, excuse me, that this is the building, we thought he had ran around to the side of the building over here, but in his statements on the news he was behind one of the police trucks. We didn't see that.

I mean, he is a little guy, truck is kind of high, all right. My eyesight was on Michael, for some odd reason we are glued to him, okay. Because as the officer was coming around, we figure that something happened between Mike, we knew Michael was at the truck, we was watching them two.

Him, we didn't see him, he disappeared. He was a little guy, he was gone. Okay, but by the time the officer had gotten around here, there was another truck came down and he got in that spot. There was another police officer truck.

So he says, Dorian said that he was in there, then standing beside one of the police trucks and he was watching the whole thing. I didn't know that. I never knew him, never seen that

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guy in my life. All the times that I've seen Michael, I've seen him plenty of times walking through the neighborhood, I never saw him with that guy, never.

Did you ever see any other vehicles behind the police SUV?

A No, after that?

: During the shooting?

A Within what, two, three minutes, police cars from everywhere was coming, you know. But before they, as they were coming, it was the crowd of people were coming from everywhere. From up here at Ellison, this is the first street. From there, from all parts of the complex and from Northwinds they are running up there.

The stepfather and them I believe they stayed in Northwinds, he was one of the first ones there. And they started, everyone got on their phones, they were calling and taking pictures, next thing I know there is crowd everywhere, okay.

So that is what I was concentrating on because I didn't know what they were going to do because they were getting crazy, all right. They were hyping themselves up.

: Thank you.

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: . Do you have any medical training,

A Okay, no.

: No medical training. You ever serve in the armed services?

A No.

: Anything like that? I'm not saying this to dispute anything that you have to say, I understand that you said that this is your opinion of what you saw that you felt this particular, whatever shots or whatever may have been the cause of Michael Brown's death, and that's clearly from your personal opinion, not from a medical opinion; is that correct?

A Correct.

MS. ALIZADEH: Can I just really quickly want to revisit something. And , you remember when you did this picture or this drawing when Detective was talking to you?

A Yes.

Q (By Ms. Alizadeh) Okay. Now, you have here white car, actually that's Detective 's, he labeled white car.

A Yeah, there was a white car sitting right here at the end of the driveway right here on

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Canfield pointed toward Canfield. I mean, toward West Florissant.

We later found out that this gentleman has a friend that stays back here in the back and when the first shot rang off, that car went this way towards West Florissant. I didn't see it ever again.

Q Okay. But you have on your diagram that the car is actually west of the police vehicle?

A Yeah, it is on this side. All the cars here. The car is here, his car was closer to this driveway down here.

Q All right. So you don't recall the car being on that side of the police car?

A No.

Q West of the car?

A No, it was parked right here. That's what I told him, I said he was sitting right there and after the shot rang off at the truck, he pulled off and sped off.

MS. ALIZADEH: I'm sorry, there was some other hands?

: . when Michael Brown was, let's say at the lamp post, I guess, on the corner of the asphalt, I guess that's

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Copper Creek Court?

A Uh-huh.

: And he turned around. And at one point you mentioned you could see something in his right hand or on his right hand?

A It looked like, looked like he had something on his hand, cause he kept looking at it like this, and he started looking at his body.

: Can you clarify at what point you actually saw that?

A As he turned, and he you could see as he is coming around, he's spinning around, looked like we saw something that was on his hand cause he kept doing like this. He kept looking at hit and then he looked down, he looked at both sides of his body.

So I'm guessing he may have touched hisself to see if there was blood or something cause you could see there was splotches cause he's real dark and then he turned around and he did that, looked up. And as he spun around, and then he says that's it, boom. When he turned around, he had his hands facing the officer, we couldn't see the palms.

: Okay. It was before the first volley of shots?

A Before the first volley.

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: Thank you.

A Yes.

: . How far behind the vehicle was the officer when he fired his first volley of shots?

A He was practically catty-corner to the rear corner.

Okay. So then how far was he from the rear bumper when he fired the second volley of shots?

A Maybe three to four steps behind it.

: All right. So he never actually got past his rear bumper?

A No.

: Okay. Thank you.

MS. ALIZADEH: Anyone else have any questions?

thank you. Is there anything that we haven't asked you or anything that you think is important for this grand jury to know before you conclude your testimony?

A No, I think you pretty well covered it.

MS. ALIZADEH: Okay. This will end the testimony of

(This is the end of the testimony of

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.)

MS. ALIZADEH: Good afternoon, it is 2:07 p.m. on September 30th. We are in the grand jury, present is myself, Kathi Alizadeh and Sheila Whirley, as well as all 12 grand jurors and the court reporter, and we have just gotten back from our lunch break.

I do have two officers who I believe are going to testify this afternoon. One is going to be Detective He's the officer who is the primary case officer investigating this matter. I'm only going, we're not going to get into the entire investigation. I'm simply calling him to ask him some questions about the interview that he had with

And then after that, we will have . If you recall he was the crime scene investigator who went to the Ferguson Police Department, and then followed them to the hospital and actually took pictures of Officer Wilson and then he will testify about seizing other items because we had to interrupt him to get Dr. on, if you recall. Hopefully he will just be like another 30 minutes.

Neither of them are here yet, I assume

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they're on their way, but so we're going to go ahead and start playing some statements of a witness that we anticipate will be testifying Thursday morning for you. This is, this is Grand Jury Exhibit 31, which is a disc that contains media clips, clips of interviews that were done by a witness whose name is .

I don't know if you recall this is an employee of that she actually was going to pick up. I'm first playing clip one.

As usual, I'm not going to play the clip in its entirety, a lot of these contain comments by the reporter and stuff. I'm starting this at 55 seconds and I will play it to a minute and 15 seconds, so this isn't long at all.

(Clip is being played at this time.)

MS. ALIZADEH: All right. I missed that because I was messing around with this. Does anybody need to see that again? I'll start it again because I didn't have the volume up.

. Can you freeze it too? I'd like to see the view that she had from her balcony a little better.

MS. ALIZADEH: How about I play the whole thing, I go back and freeze it in the middle since

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some of you didn't hear what was being said. I don't want to stop it in the middle and then we will go back and freeze it.

(Clip is being playing at this time.)

MS. ALIZADEH: So you want me to go back and look at that video again?

Freeze frame it on the intersection and then when we can see that apartment in the background, those two places.

MS. ALIZADEH: Okay, I will do my best.

(Clip is being played at this time.)

: Right there, other time he used the zoom it looked like.

: No, that's not his apartment building that we just heard, right?

MS. ALIZADEH: Now, if you notice in the street and it is easier to see on the screen that there are some items in the street. It tells you it looks like a couple of those traffic cones and then a looks like a crucifix, and I can't tell what that black thing is.

Looks like a statute.

(Playing the clip.)

Can you show us on the aerial view what building she's in?

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: She's in . She's number

MS. ALIZADEH: Yeah, she's in this building here. And I believe we will hear in her statements, I believe it is , or at least right here. (indicating)

Any interest in me going back and freezing again? No, all right.

That was a clip that was aired on August 10th, 2014 at 5:30 p.m. on NBC nightly news.

This next clip, or the second clip on the disc, Grand Jury 31 aired at 10:00 p.m. on August 10th, 2014 on KSDK.

I'm going to start it at 137, if I can.

(playing the clip.)

MS. ALIZADEH: I'm going to start it at 136, it is only going to 149, so this is also very, very brief.

(playing the clip.)

MS. ALIZADEH: Anybody want to see that again? Next clip aired on 8/15/2014 on CNN program is New Day. I'm going to start this at 28 seconds and this goes until six minutes and five seconds. So this is a lengthier clip. Starting at 27 seconds.

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(playing the clip).

MS. ALIZADEH: Anybody need to see that again?

Next clip is number four. It aired on August 18th, 2014 at 10:00 a.m. on CNN At This Hour with Berman and Michaela.

I'm going to start the clip at 40 seconds and it will play to four minutes and five seconds.

(Playing the clip.)

MS. ALIZADEH: And then the last clip is clip number five, the fifth clip it aired on August 18th, 2014 at 7:00 p.m. on CNN.

I'm going to play this from the beginning until three minutes, it plays until three minutes.

(Playing the clip.)

MS. ALIZADEH: Anybody need to see any of these clips over again?

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Would you state your name and spell it for the court reporter.

A , ,

Q And you're a detective with St. Louis County Police Department?

A Yes, ma'am.

Q And how long have you been with the St. Louis County Police Department?

A Since January of 2002.

Q How long have you been in the detective bureau?

A Since March of 2008.

Q And are you in the Crimes Against Persons Unit?

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A Yes, ma'am.
Q And were you in that Crimes Against Persons Unit back in August of this year?
A Yes, ma'am.
Q And are you the primary case officer involved in the investigation of the shooting of Michael Brown?
A Yes, ma'am.
Q And just so we can make clear on the record, the officer involved in that shooting is a Darren Wilson, are you in any way related to Darren Wilson?
A No, ma'am.
Q Have you testified before this grand jury before, I mean, not on this matter, but this grand jury has been working since May, have you testified since May to the grand jury to your knowledge?
A I don't recall.
Q And this is the first time you've testified regarding the shooting investigation in this matter, correct?
A Correct.
Q And I'm not going, we're not going to go into every aspect of your investigation right now. But what I wanted to direct your attention to was an

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interview that you did on August 12th, 2014 and the subject that you were interviewing was a ?

A That's correct.

Q And that interview was conducted, it began at 1557, would that be 3:57 or what is 1557?

A 3:57 correct.

Q P.m.?

A Yes.

Q And it also was at the New Horizon Seventh Day Christian Church; is that correct?

A That's correct.

Q And how is it that you knew that had some information for police?

A The pastor of the church, Reverend had contacted the St. Louis County Police Department and indicated that one of his church members had information regarding the incident.

Q All right. And so did you make arrangements to interview he was the church member, correct?

A That's correct.

Q You made arrangements to interview him at the church?

A Yes.

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Q And the grand jury has already heard the statements, so we're not going to go through the statement, but present for the statement was yourself, and then Detective is that correct?

A Correct.

Q Was the reverend or pastor , was he present for that interview?

A He was not.

Q Where in the church did this interview take place?

A It took place in a conference room, right outside of Reverend s office.

Q You had an audio recorder that you used to record the interview that you had that day?

A I did.

Q And, in fact, you have recorded numerous witness statements in relation to your investigation into the shooting of Michael Brown; is that correct?

A Correct.

Q And are almost all of those interviews audio recordings?

A Yes, ma'am.

Q And so did you, were you aware that subsequent to your interview, was

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interviewed by the FBI and an attorney from the U.S. attorney's office and an attorney from the Department of Justice?

A I was.

Q Now, were you a part of that interview?

A I was not.

Q Were you present for that interview?

A I was not.

Q And so at some point did someone that was involved in that interview contact you about the statement that made during that interview?

A I was contacted, yes.

Q And were you aware that that interview was also audio recorded?

A I was.

Q And have you listened to that interview?

A I have.

Q And have you listened to the interview that you did with him?

A I have.

Q Now, you and I had a conversation, my days are really running together, when is it that you and I got together and talked about this, was it, today's Tuesday, was it Friday or yesterday? I

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think it was Friday.

A I think Friday.

Q Okay. Actually, you and I speak on a daily basis; is that right?

A That's correct, yes.

Q And I see you at my office or over at DCI almost daily, correct?

A Yes.

Q At some point did you and I have a discussion about how demonstrated the way he saw Michael Brown use his hands during the incident on August 9th?

A We did.

Q And you recall that in the audio interview that you did with , you actually tried to describe how, are you trying to describe what he's demonstrating?

A I'm describing what the actions that he is making, how he's demonstrating his hands are, yes.

Q And when you describe it, do you hear him both after having listened to it, but also live, would he either agree or correct you if it wasn't correct?

A Yes, ma'am, that's correct.

Q And so can you please stand up for us?

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A Sure.

Q There's a part of the interview where says as Michael Brown is running away from Officer Wilson, he comes to a point near the corner of Copper Creek Court and Canfield Drive and he stops. And then he does something with his hands that if you recall, describes as if he is looking on his body or on his hands in some manner?

A Yes, ma'am.

Q Does he demonstrate for you during his interview how he was seeing Michael Brown with his hand?

A He does.

Q Can you show the jurors what he showed you Michael Brown was doing?

A Sure. He was seated, but he said that Michael Brown's hands were essentially, I'll describe it palms up with his hands and fingers roughly at shoulder height, elbows not touching his rib cage, but elbows at a natural fall, just as I'm demonstrating to you right now. (indicating)

Q When he did that, did he move his head to, again, demonstrate what he saw Michael Brown doing?

A Did

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Q , yes.

A Yes.

Q How was he, do for the grand jurors what you saw doing?

A He described it as more of him looking at his hands and kind of looking at his body. He also made reference to looking down at the right side of his body almost as if Michael Brown was checking himself out.

Q Okay. And then he then describes for you, you can sit down.

A Sure.

Q He describes for you Michael Brown turning around and then moving toward the police officer, correct?

A Correct.

Q And what does he say Michael Brown does with his hands as Michael Brown turns around to move toward the police officer?

A That his hands go down.

Q And he describes Michael Brown being, at least the officer shooting a volley of shots that he believes he hit Michael Brown and appeared to him it hit Michael Brown and that his hands, I believe he uses the word go limp at his sides?

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A I believe that is correct, yes.

Q Okay. Now, does he ever describe or demonstrate to you Michael Brown having his hands in front of his torso, whether in his pelvis or belly button region?

A No.

Q Does he ever describe for you or demonstrate to you Michael Brown having his hands in the air at the height of his shoulder or head with his palms facing forward?

A No.

Q Does he ever use words or describe to you that Michael Brown was surrendering?

A Use the word surrendering, no.

Q Are you sure at no time during your interview with him did he demonstrate that Michael Brown's hands were up at his sides with the palms facing away from his Michael Brown's body, facing forward?

A He did not, no.

MS. ALIZADEH: Sheila, do you have any questions?

MS. WHIRLEY: Does anyone else have questions? Because I'm kind of reviewing something.

MS. ALIZADEH: I'll give you time. I'll

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ask a few more questions as well.

Q (By Ms. Alizadeh) Now, Detective, when you talked to , did he draw a map that you helped him label during the course of your interview?

A He drew a map and also identified various points on it and then during the course of the interview, yes, went back and clarified by labeling those.

Q Is a copy of that Grand Jury Exhibit 30?

A Yes, ma'am.

Q And from his description of, during your interview, did he indicate that Officer Darren Wilson's vehicle came from the direction of West Florissant traveling east on Canfield Drive?

A He did.

Q And did he also indicate to you that Michael Brown and his friend were walking down Canfield Drive toward West Florissant or in a westerly direction?

A I would have to check that. I believe he also said they were walking from West Florissant towards Canfield Green Apartment Complex.

Q Okay. And in your investigation when you arrived, the vehicle that Darren Wilson was in, to

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your knowledge and information, had it been moved after Officer Wilson stopped it?

A No, ma'am.

Q And is the, I know that the vehicle is somewhat at an angle in the roadway, is the front of the vehicle pointing in a northwesterly direction?

A Primarily, yes.

MS. ALIZADEH: Sheila, have I stalled enough for you to figure out what you want to ask?

: This is The view from, that s balcony, did he have a clear view in your opinion of that whole crime scene?

A Yes, sir.

: Okay.

A Yes, sir.

MS. ALIZADEH: Let me follow-up with that. Detective , have you ever been on 's front porch.

A I have not.

Q (By Ms. Alizadeh) Okay. And we've discussed different points of view and what somebody could see from their vantage point, correct?

A Correct.

Q And if was standing on his

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balcony, he could see the corner of Canfield Drive and Copper Creek Court, would that be fair to say?

A Yes.

Q And he could look down the street and see the location where the police officer's vehicle eventually was, correct?

A Yes.

Q If Michael Brown had turned around at this corner and walked in a direction down the street toward the officer coming from near the grassy corner toward the middle of the street, would have a straight-on view of Mr. Brown at that point? In other words, could he see his front?

A No.

Q Okay. Would he see directly his back or would he see an angle part of that?

A I would say that he would be able to see a slight angle, but see his back, yes.

Q Mostly his back?

A Right.

Q (By Ms. Whirley) The question I have, I don't know if you have the transcript in front of you, do you?

A I do.

Q On page 34. When you are again clarifying

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whether his hands were all the way up or not and is saying he didn't have them all the way up, but he did have them all the way up, I'm not sure if that's a typo or not. Are you with me?

A I'm with you.

Q Enough to notice this officer should know he was not threatening him, he was not in imminent danger, the boy was not threating him in any way, he's not charging, he was struggling to stay on his feet.

So he didn't tell you, he never told you he was surrendering that is as you said, correct?

A Correct.

Q But he characterized Michael Brown as not threatening the officer in his opinion?

A Yes, ma'am.

Q Okay. And then he was, his hands, he didn't say he had them all the way up, he did have them all the way up enough for this officer to know that he was not threatening him, did he demonstrate what he meant by that?

A I don't believe he did. I took it that he was still making reference to the same posture that I have previously describe.

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Q Say that again?

A I took it that he was making reference to the same posture that he had previously described to us.

Q As not threatening, his hands were up, but he was not being threatening?

A Correct, the hands that I described earlier, hands up, about shoulder height.

Q Okay. And that was the not threatening gesture you took him to mean?

A Yes, ma'am.

Q Okay.

MS. WHIRLEY: That's all I have.

Q (By Ms. Alizadeh) Detective , if you can refer to page seven. And near the bottom of the page where you get to the point where is telling you about how Michael Brown had ran and then he turned and then in the last paragraph on that page, , referring to Michael Brown says, right at the, he had like one foot on the grass and one foot on the driveway, and then he turned around and then he like, like this. (indicating) So that is why people thought he raised his hands.

Is he gesturing or demonstrating when

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he says he turned around and he like, like this, was he demonstrating?

A Again, making reference to what I had previously stood up and described.

Q Okay. So when he said, he like, like this, that is why people thought he raised his hands, was he making that same motion that you have already demonstrated?

A Yes, ma'am.

Q Okay.

MS. WHIRLEY: Anybody else have questions? . I guess the whole hands up is he -- when you -- I guess, what would be your definition of hands up, all the way up or would they be like this or like that?

A Well, I mean, obviously the two motions that you made your hands were both up.

Okay. I'm actually reading from, I guess, this is page 18. And you say your arms are like palms up and hands and fingers are roughly shoulder length, is that fair enough to say?

MS. ALIZADEH: It is close to the top of the page.

A So if you would, if you would make

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reference to page 17 on that, at the bottom of the page. We're discussing, this is kind of when we get into the specifics of it, but he says as he faces the officer, I asked him, his hands go up to a point where? And he says about to his shoulders.

So he's making reference, again, and this is kind of what I'm explaining. He is making reference to his hands or his fingers being roughly shoulder height, which is as how he was describing as I am explaining it here. And then we make reference to his elbows, and kind of like I described to everyone earlier, that his elbows were again, close to his body. I'm not saying touching his body, but close to his body in a position like this. (indicating)

And then it goes on, we again clarify palms are up, hands or fingers are roughly shoulder height, is that fair enough to say? And he says, yeah, about close to his shoulders, yes.

So then again, I'm just clarifying with him that we are kind of, we are talking about almost a plane here that would extend from his shoulders to where his fingers or his hands would be. Did I answer your question?

Okay.

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MS. ALIZADEH: Any other questions?

: . And then to clarify that, would that be sustained for you to say that he had his hands up?

A That he, that was saying that Michael Brown had his hands up.

: Yes.

A Yes, ma'am, that he had his hands in the position I described, yes.

If you said halt, would you consider that that person had his hands up?

MS. ALIZADEH: Well, let me say for the record just so we can make clear on the record you have your palms facing forward when you are doing that, correct?

: Maybe I don't know what hands up is. If someone raised their arms, I would think hands up. I would think regardless if my hands are faced this way, my arms are up, to me that's a stop, you see what I'm saying? To me that's what I'm trying to get clarification.

A Okay. Could you ask the question one more time, please?

: My question is, the way that said the way he saw Mr. Brown raise

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his hands.

A Yes, ma'am.

: Would that be substantial for you as a police officer to say that you said stop, stop or halt, halt, and a person raised their hands, would that be okay for you to say oh, he had his hands up, a surrender motion?

A I would say it would depend on the situation that I was in.

: I mean, so this would be stop. Is it fair to say that he might have been hurt somewhere where he couldn't raise his hands all the way up?

A Well, I think based off of s statement, he was indicating that Michael Brown was, as I kind of described earlier, that he was checking himself to see if he was injured.

So, yes, when you and I are sitting here having this conversation, are my hands up right now, and I'm am demonstrating what I had previously demonstrated the position that had described to me. So if I'm sitting here like this, are my hands up? Yes, my hands are up.

: . Would you consider there is a distinction between hands up in

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a surrender situation? Could they be separated? Your hands up in the method you described, that doesn't necessarily 100 percent mean that it would be a surrender, it could be a case by case basis?

A Again, like what I had said earlier, I think every case is different and it would depend on circumstances, yes.

: Yes.

A Yes, sir.

: . And again, in the context of 's first interview with you, this comes right as Michael Brown turns around before this first, there is an initial shot, before the first round of shots, correct?

A Say that one more time, please?

: So when is explaining this to you.

A Sure.

: This whole motion. He is saying this comes before Officer Wilson pursues him and shoots the first rounds of shots, correct?

A Correct.

: That's what I thought.

A Correct.

: . I just want to

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make sure I understand. Everything that he said from what I can see he is talking about having his hands, palms up, rib cage length, maybe out a little bit and looking at himself searching for injuries?

A Correct.

: There is never anything in here where he puts his arms up to his shoulders with his palms out?

A With his palms out, no, but again, remember as I described, he does his hands. I'm not saying to his shoulders, like palms forward facing, but he does have his hands at shoulder, yes, ma'am at shoulder height.

: Okay.

A But with palms up.

: I'm looking at the line of sight that would have as he is looking at Michael Brown. I don't see how he could see the right side of his right hand from the angle he is at. Seems like he could only probably see the left arm and left hand, would you say that's a fair assessment? I know he is looking down somewhat, maybe he can see something over the shoulder.

A Yeah, I think --

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: His hands are down and he's a big body man.

A I think it would be very, I wouldn't want to comment on that without having been there.

Yes, ma'am.

: I'm . Do you have cause to study police procedures, not only in other states nationally, but also globally as well.

A Globally, no, ma'am.

Not in other countries whatever?

A No, ma'am.

Because what I was wondering is there a standard norm, would this be a surrender motion or is this normally the surrender motion that you see from?

A Again, I think it would depend, every situation is different and every person is different and I think every person reacts differently.

MS. ALIZADEH: And just to let you know, Detective will probably appear on future dates because there will be other aspects of the investigation that he will be needed to testify to. And since he's readily available, we will just bring

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him as needed as opposed to try to cover everything at this point.

I'm not trying to say you can't ask him whatever questions you want, but don't feel like you have to ask him all of those questions now because he will be available for later, all right?

Any other questions regarding the statement or anything of that nature?

: Just one. I guess with that position, I guess that position that you had his hands, I guess you could clearly probably see at that time that he was not armed if you got your hands this way?

A I wasn't there, but there was never any indication given that thought he was armed.

: Okay, thank you.

MS. ALIZADEH: That thought he was armed?

A Correct.

MS. ALIZADEH: As opposed to Darren Wilson, whatever was in his mind.

: . I'm going to go a little bit. She was talking about, everybody was talking about, could this be the surrender

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motion and it would depend on the situation. If the situation were you were holding your hands like this, yet still moving toward somebody, would you consider that a surrender?

A Still moving toward someone?

: Uh-huh.

A No.

It would depend on the situation?

A It would. Obviously, it depends on the situation.

But in theory you would not consider this and moving forward a surrender motion?

A (Nods head.)

MS. ALIZADEH: Anybody else. All right this concludes the testimony for today of Detective

(End of the testimony of Detective)

MS. ALIZADEH: This is Kathi Alizadeh with the prosecutor's office. Present is myself, Sheila Whirley, all 12 grand jurors and the court reporter. We just had a brief break and now we are going to continue with the testimony of Detective

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of the St. Louis County Police Department.

EXAMINATION

BY MS ALIZADEH:

Q Detective , I will remind you that you were sworn previously on September 9th and that oath is still I in effect, all right?

A Yes, ma'am.

Q Just to get back where we had left off. If you recall he has already given testimony about having photographed Darren Wilson's face and neck areas and that he then also talked about having gone back to the Ferguson Police Department and seizing the gun, and you recall he describes swabbing the gun. And now I think we're going to take up from there and Detective , if you want to sit in that chair.

A Thank you.

Q We will kind of resume where we had left off.

I think previously you testified that when Darren Wilson had left the Ferguson Police Department to go to the hospital, he had draped his uniform shirt over a chair, I believe or do you recall?

A I didn't testify to that.

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Q Okay. Somebody else did, I'm sorry.
A Yes, ma'am. His uniform shirt and his department issued weapon were still at Ferguson Police Department. He was still wearing his white T-shirt, his brown uniform pants and his boots.
Q And now I recall there was discussion that he didn't have anything to change into so he went back to Ferguson wearing his uniform pants?
A Correct.
Q And his boots and his T-shirt?
A Yes, ma'am.
Q So when you arrived back at Ferguson and you've already testified about the gun and how you found it and then what you did with it, did you also photograph and seize the officer's clothing?
A I did.
Q And I'll show you, you've already testified about the series of photographs that you took in your, in the course of your investigation, which I had previously shown you were contained in Grand Jury Number 10. And I'm going to start up again with Image Number 24. If you can put that on the overhead and explain what that is that you are seeing.
A All right. This is the overall view of

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the front of the officer's shirt as it appeared when it was handed to me. He had just removed it. It was maintained at the Ferguson Police Department and this is what it looked like when I first seized it when photographing it.

Q So are you actually photographing it at the Ferguson Police Department?

A I am.

Q Okay. And so you've laid the shirt out in that manner?

A Yes.

Q Now, as you lay the shirt out in that way, do you, are you doing a visual examination with your naked eye to see if you see any stains or any tears or any defects in shirt itself?

A Yes.

Q And the manner that you have it laid out right there, did you see any stains or defects or tearings in the fabric of the shirt?

A No, ma'am, not as it appears, no.

Q Okay. Then showing you your Image Number 25. Can you describe what that is?

A That is a close-up view of his name tag.

Q And is there anything that is on the name tag or is there a reason why you got a close-up view

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of the name tag?

A Other than get a specific view that his name tag, he was wearing it at the time of the incident and that's how he was dressed.

Q And so as you see in the image, the name tag is actually still on the shirt?

A Yes, ma'am.

Q Okay. And then in Image Number 25, is that 25? We just did 25, sorry.

A 26.

Q Image Number 26.

A It is a close-up view of his issued police officer badge from Ferguson Police Department.

Q And again, the reason for that would be just to show it is on his shirt on the day in question?

A Yes.

Q Okay. And again, there's a ball point, looks like a pen that's in the pocket of his shirt?

A Yes, ma'am.

Q Image 27?

A This is an overall view of the back of his shirt.

Q And did you visually examine that?

A I did.

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Q Did you see any stains or tears or defects in that shirt?

A No, ma'am.

Q And Number 28?

A It is an overall view of the pocket that is below his name tag.

Q Now, in this image, is this a breast pocket?

A It is.

Q On the left side of his shirt or over where his heart would be, his left or his right?

A It is over his right.

Q Over his right, all right. Is this the same pocket that had the pen in it?

A No, it was not.

Q So does he have a name tag oh, okay. This is the pocket, I understand. All right. And so did you see anything looking at the shirt in this manner that has any stains or defects?

A Not in this manner, no.

Q I'm going to show you Image Number 29.

A This is next imaging sequence when you flip up that pocket flap, there is a pinkish red mark. So being the sequence would be, we showed you an overall view of the pocket as it was. Now we

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flipped up the pocket flap and in the next few images and we will go through them, we will get closer and we will put a measuring device in it, a ruler.

Q Now, as you see the pocket flap on the pocket itself, on the other side of the flap there was a button, correct?

A Yes, it is a sewn-on button.

Q And that's just for show, I guess?

A Correct.

Q So the pocket, it connects or attaches by the little Velcro on the corner; is that correct?

A Yes, ma'am.

Q And when you lifted up that flap, did it appear to you that the Velcro was still?

A Attached.

Q Attached?

A Yes.

Q And then there appears to be some paper or something inside the pocket?

A Correct, it is a notebook.

Q Okay. Did you seize that notebook?

A I did not.

Q Didn't you examine it?

A No, I did not.

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Q Did you leave it in the shirt pocket?
A No, ma'am, it was removed.
Q Okay. I'm going to show you Number 30.
A That's a closer view of that pinkish red mark.
Q And Number 31?
A That's a view of the same mark with a measuring device on it.
Q And again, you can pass these around when you have time because it is easier to see, but at the time that you are examining this shirt and looking at it, did you know what that pinkish red substance was?
A I knew it wasn't blood. I do not know what the source was.
Q At the time that you are photographing it, did you know it wasn't blood at that time?
A Correct.
Q So you had already done some kind of --
A Presumptive test.
Q -- test, presumptive test before the photographs?
A Yes, ma'am.
Q Okay. I don't need you to go into detail into the presumptive test, it was a test that you

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did there at the police department?

A Yes, ma'am.

Q Using tools or equipment or substances that you carry in your crime scene van?

A Correct.

Q And a presumptive test will show you what?

A It is a two-part test. Once you moisten your two swabs with the first agent and then swab this area, you remoisten it with a second reagent. If it turns a bright color of pink, it is presumptive for blood.

It's not positive because that's what -- we can't do that, but I did not get a positive reaction. And based on the color and my training and experience I was pretty confident at the time that it wasn't blood, however, if I'm going to be able to testify to the results of that, then I have to do a presumptive blood test. I can't just automatically say, well, that's not blood.

So that's why we confirm this and did not have a positive reaction with phenolphtaleine. Phenolphtaleine, which is as I explained, a two-part presumptive test. I did not get a positive reaction, so it was not blood.

Q Okay. Now, I'm going to show you your

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Image 32. At this point we have already talked about that he wore the pants back to the police station, did he ultimately remove the pants for you to examine and photograph?

A He did.

Q Is that what we're seeing in this image?

A These are the image of his unform pants that are displayed. Officer Wilson or Darren Wilson did tell me that there was blood on his pants. It is easier to see when you look at these photographs at your convenience, but my orange indicator is pointing to the area which did have red stains on it that was identified by Darren at the time of my investigation.

So the pants were removed, he changed into other clothes, the pants were displayed just like his uniform shirt and for orientation purposes, and that is why I put that orange indicator in there so it draws your eye to the center of the photograph so you know what the focal point of that is.

Q And so that would be on the left leg. Are we looking at the front or the back of his pants?

A It is the front, it is his upper left thigh area.

Q Okay. And then showing you your Image 33.

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A That is a closer view of that same area.
Q And then finely, your Image 34.
A Again, it is the same area. Now we have a measuring device in there for scale.
Q Now, did you do a presumptive test on that substance, did you swab that pant leg?
A I did.
Q And what was the result of your presumptive testing?
A That was a positive reaction indicating that it was blood.
Q And the shirt and the pants, were they both seized and packaged by you?
A Yes.
Q Now, regarding the shirt, did you remove the badge and the officer's name tag from the shirt?
A I did.
Q You have already indicated you took the notebook out?
A Yes, ma'am, his personal property and that belonging to the Ferguson Police Department was removed.
Q Okay. And so any further examination of any stains on either the shirt or pants or any other substance that might be on there, that would have

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been done at the lab by other detectives or other investigators, would that be fair to say?

A Other scientists or technicians?

Q Yes.

A Yes.

Q So you don't do the other testing to determine for sure if it is blood or determine whose blood it is or what the type of the blood is or anything like that?

A No, I do not.

MS. ALIZADEH: Do you have a question?

: No.

Q (By Ms. Alizadeh) You packaged up, you swabbed the gun and packaged that and the round that was left in the gun and the magazine, those were conveyed to the lab as well, correct?

A Correct.

Q And the clothing that you testified about that was packaged and conveyed to the lab, correct?

A Correct.

Q All right. Now, was there anything else that you seized at the Ferguson Police Department?

A I took a control, in essence, DNA sample with what's called buccal swab, B-U-C-C-A-L, is how it's pronounced. As a control for our scientists in

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our crime lab to immediately have a DNA sample from Darren Wilson that they can compare to make sure, either confirm or dispel or verify whether that blood that we believe to be blood on his uniform pants was his.

So to expedite that process, we take a DNA sample from him that was also seized and submitted.

Q That was also conveyed by you to the crime lab?

A Yes.

Q Okay. Was that the conclusion of your investigation while you were at the Ferguson Police Department?

A At the Ferguson Police Department, yes.

Q Okay. What did you do then, this is all still, we're on the 9th?

A Yes, ma'am.

Q Okay. What did you do after you were finished at the police department?

A I went back to the original scene because I was also tasked with the completion of the processing of the Ferguson Police Department marked Tahoe vehicle. We requested one of our contract towing services to meet me there on scene. I

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watched him load the vehicle and he was escorted to our crime lab where we have a vehicle processing area.

So when that vehicle was escorted by me, it was unloaded, placed in our processing area and I completed the processing of their police vehicle.

Q So now the jurors have already seen some photographs of the vehicle at the scene, those were not taken by you; is that correct?

A No.

Q Your photographs were at the processing area?

A Correct, 111 South Meramec.

Q Did you do anything to process the vehicle while it was at the scene?

A No, ma'am.

Q So once you got the vehicle towed to the garage where you were going to begin the processing of that vehicle, what did you do?

A Once it was placed into our processing area, the area of concern was the driver's door area. The driver's mirror had been pushed back, it has flexible mirrors that was an area of concern.

There was broken glass inside the

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door. I had already been informed that Darren Wilson had fired a round through the door, so I had a certain defect in the driver's door.

I was requested to fingerprint the outside of the door and also swab for potential DNA sources on the top edge of the door where the window comes out of the door there is a rubber strip there. And also there was some red stains, which we believed to be blood on the inside of the driver's door. So all of that was completed in my investigation.

Q And so initially, and I know you took photographs of the vehicle while it was in your garage?

A Yes.

Q Is that done first or do you do the other testing and investigation first?

A That's done first.

Q The photographing?

A Yes.

Q And so let's start with your first image of the vehicle, which is Number 35.

A This is an overall view of the interior of the driver's door so you can see the entire door panel.

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Q Now, I know we'll see photographs in a few minutes, this white or lighter color marking right here, is that a defect in the panel of the door?

A Yes. That's where the projectile entered the door.

Q All right. Showing you your Image 36.

A This is a closer view of the interior door handle area. You have red stains here, you might have to pass this around.

: . If you could push it down a little bit lower.

MS. ALIZADEH: This might, I don't know if that battery is going dead. All of this area here has red stains on it here and here, all of these darker marks are also red stains. There is a line here. The reflection is such it is difficult for you folks to see, so please look at it later when you folks have the opportunity.

Q (By Ms. Alizadeh) Those red stains that you pointed out, did you suspect that could be blood?

A Yes.

Q And did you do any presumptive testing of the door handle at this time?

A Yes.

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Q Okay. And what was the result of that presumptive testing?

A It was positive.

Q And then did you also swab that area and preserve those swabs and packaged them to send them to the lab?

A I did.

Q And just so we're clear on this, when you do the presumptive testing, you do that by using swabs, correct?

A Yes, a very small area.

Q Okay. Is that the same swab then that you sent to the lab for further testing?

A No.

Q So you do a separate swab?

A Correct.

Q And when you do that second swab, you don't use those same chemicals that you talked about?

A No. When we are taking swabs for DNA, all we use is sterile water. All we do is moisten the tips of the cotton swabs. If it is a dried material, which this was by this time that I was involved in this. So to get a complete sample, all you need to do is moisten the tips of those, swab it

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and then replace it in the container and then forward it to the crime lab.

Q And then on your Image Number 37.

A That's a closer view of the door handle with those red stains with a measuring device.

Q Image 38?

A Another area on the top sill of the driver's door interior, also red stain again, again with the measuring device.

Q And those are your fingers in the pictures?

A Yes.

Q So you are gloved the whole time you are processing this car; is that correct?

A Always.

Q And then Image Number 39?

A It is just further back toward the door handle, the same area of that door with a scale.

: . Are you also taking fingerprints too?

A Yes, ma'am. We did that on the outside of the door.

: On the outside?

A Yes, ma'am.

: Did you take any on the

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inside of the leather?

A No, ma'am. That's not a conducive surface for me to get a decent fingerprint evidence. It is rough, there could be some other foreign materials on it when it was cleaned. I really need a decent surface to retrieve that fine ridge detail, that's why I did not fingerprint.

Q (By Ms. Alizadeh) So the exterior of the vehicle would be the painted metal?

A Yes.

Q There's no glass in this window, correct?

A Correct.

Q And the trim that went around the window?

A Yes.

Q Showing you exhibit, or your Image Number 40.

A This is an overall view of that defect where the arm rest meets the door panel. There's a defect in there from earlier, this is just a closer view, going to be a series which we will walk through.

You can also see in this that there is also wet stains here and here and here.

Q Showing you Image Number 41?

A That is a closer view of that same area.

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Q Image Number 42?

A That's a closer view of that same area, specifically the bottom edge with the measuring device.

Q Now, starting with Image Number 43, can you describe what you're seeing and what those things are on the edge of the car. Let's do this.

A As asked, the exterior of that is processed with fingerprint powder. Once I developed latent fingerprint evidence, then those lifts are removed by placing lifting tape on there. We also photograph those latent lifts in place and our system is that there are always, we always use letters on latent lifts and we try to use numbers on evidence.

So every one of those is numbered A through E. and they're always photographed in place.

This was the area that I developed latent fingerprint evidence and so based on the information that I received, that's where we determined to be the best area that they were concerned about as far as retrieving latent fingerprint.

Q Now, the tape that you see in these photographs, when you remove that from the surface

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of the vehicle, what do you do with that tape in order to preserve it?

A They're placed on what's referred to as a liftback. In essence, it is a bright white card. So you would have contrast or latent fingerprint examiners can compare that to known or ink impressions. Be it from other police officers, Darren Wilson, anyone.

That's how they make those comparisons.

Q You're not the person who makes those comparisons, correct?

A No, ma'am, I'm not a latent examiner.

Q So your job is to search for areas, make a determination of where you might find some latent fingerprint or palm print perhaps?

A Correct.

Q And then you did visualize it by putting that?

A Develop those with fingerprint powder.

Q And then lift them off the surface?

A Correct. And then they're submitted to our fingerprint unit.

Q Okay. And how many lifts did you do in this case?

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A I had prints A through E.

Q Did you process any other part of the vehicle for fingerprints?

A No, I did not.

Q I'm going to show you your Image Number 44. Can you describe what we see in there?

A Once we had photographed the outer part of the interior door panel, in order to retrieve that projectile, that door panel was removed.

Also when that projectile went through there, it also damaged part of the inner door skin. And also went through and struck the outside of the door, which I believe another detective had photographed. It looks like a bump.

So once I retrieved that projectile and there is some other documentation there also in the bottom of this, so we have overall view of it. All of that glass I had to sift through in order to retrieve that projectile.

So to tie this into a photographic series, we take an overall view of the door, meaning the source of where we recover the projectile from. We orange triangle by indicator in that pile of glass is where I retrieved the projectile after scooping all of this out from inside of the door.

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So that is displayed there for you and further sequencing.

Q So when you say you scooped the glass out, was the glass inside this area down?

A All down in there, yes.

Q Down in this area, but behind this metal panel?

A Right.

Q So you had to actually scoop it out with a tool or with your hands?

A My hands.

Q As you scoop it out, are you just dumping it on the ground then or does it fall on the ground there?

A No, I'm taking out small handfuls by small handfuls. I don't want to lose anything else, maybe this projectile fragmented, maybe there are sharp edges to it. So we're very cognizant as far as trying to retrieve as much evidence as we can.

The good thing for me as an investigator is the projectile is pretty much intact. So we didn't have a lot of small, minute pieces of metal that were not directly related to that projectile.

So as I'm doing it, I'm carefully

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putting in a pile, going through every handful. When I finally retrieved, determine that it was a projectile. It is left right there and we start our sequence as far as taking photographs.

Q So showing you your Image Number 45, what do you see in that image?

A This is an overall view of where that projectile, once it went through that plastic door panel entered the interior metal skin of that door.

Is just an overall view of it. The focal point in the center of the photograph will be right about here, which you will see when you get further into the seats.

Q Image 46?

A This is a closer view of it. The area of concern is right here. (indicating)

Q And so a little clearer, actually, looking at the image with your own eyes.

I guess from the very top of it, maybe at the one or two o'clock position, there is a defect on the metal?

A Yes.

Q Okay. Showing you Number 47?

A That's a closer view with the scale next to it. The area of concern, again, is this upper

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portion right here. (indicating)

Q So when you could see the car in your garage, could you see that defect that was on the outside of the door?

A Yes, it was pushed out or bowing out.

Q And does the location of that defect correspond with where that mark, the defect was on the my of the insides of the door?

A I would say it is consistent.

Q Okay. You didn't take any measurements to or anything to determine?

A No, ma'am.

Q Okay. All right. Showing you your Image 48.

A This is a closer view, one of a series as far as we orientated originally as far as the source. The interior of the door, we have the pile of glass that I had gone through, the projectile with the orange indicator, and that was just a closer view of the same area with the indicator and projectile.

Q Image 49?

A This is a close-up view of it. Again, the indicator and the projectile recovered hasn't moved. It is just a closer view of it.

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Q Is that 50?
A It is and this is a closer view now with a scale.
Q And so can you use the laser pointer and point to what we're seeing as the projectile?
A Right here.
Q You recognize that as a spent projectile?
A Yes.
Q So what did you do with that projectile once you found it?
A It was packaged, marked and forwarded to our firearms examiner.
Q And is that the same place where you forwarded the weapon and the pieces of the weapon, the magazine and the spent round?
A Correct.
Q Not spent round, a live round?
A Live round.
Q Okay. Did you do any testing to determine if there was any substance on that spent projectile?
A No, I wouldn't do that. Our firearms examiner would do that.
Q So if there is blood or anything on there that's not something that you would have looked at or tested for?

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A No, ma'am.

Q And how about the glass, did you take samples of the glass?

A No.

Q Are you aware does the St. Louis County Crime Laboratory do any testing on glass as far as breaking patterns or matching up broken glass?

A Our crime lab does not do that. They don't do crashing matches, they don't do comparison as far as the chemical make up of the glass, properties of the glass, as far as the matching of the glass.

Q (By Ms. Alizadeh) after you finished processing this vehicle, did you put the vehicle back together?

A No, ma'am.

Q What became of that vehicle?

A It was towed at the request of Chief of the Ferguson Police Department to go back to the Ferguson Police Department.

Q So you didn't put the door panel back on or put anything back together?

A No, ma'am.

Q Did you take any measurements of the vehicle?

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A No, I did not.

Q Did you have any other investigative things that you did in regard to this investigation into the shooting of Michael Brown?

A No, ma'am.

MS. ALIZADEH: Does anybody have any questions?

Okay that will be it for the testimony of the Detective .

(End of the testimony of Detective)

MS. WHIRLEY: We ready? We're resuming, it is approximately 4:03 p.m. I'm Sheila Whirley, not Shirley Whirley, also Kathi Alizadeh is here, the 12 jurors, and the court reporter. We're going to hear the recording that was an interview with , Detective on August the 9th, 2014. The day that Michael Brown was shot. And this is approximately 2:19 p.m. that the interview was being conducted. And this interview was . And we'll spell , it is spelled . So I'm going it commence now, it is a little less than a hour so should take us up to a good time.

MS. ALIZADEH: We don't need, for the sake

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of the court reporter, we have provided a transcript to all the jurors, as well to the court reporter, and also at this time we can pause the audio recording while we play this so as not to duplicate things.

MS. WHIRLEY: Okay. This is the playing of the interview of .

(The interview of is being played at this time.)

MS. WHIRLEY: That concludes the recording of It is approximately 4:38 p.m. our time. And her interview went from 2:19 p.m. until I believe 2:52 p.m. on August the 9th of 2014. Do you have anything else, Kathi?

: What was the Grand Jury Number Exhibit?

MS. ALIZADEH: Of the disc?

: Yes.

MS. ALIZADEH: This was Disc Number 24, which has a bunch of different recordings on it. We don't have anything else lined up for today. So I guess we'll let you go at this point. And hopefully, we're going to end at 2:30 on Thursday. So hopefully we'll have our plan is to play another taped statement of which is about another

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hour. And then hopefully have testify for you and then we have a couple other witnesses coming in so we will hear their statements before they come in as well. So hopefully we will get three eyewitnesses done tomorrow.

MS. WHIRLEY: Thursday.

MS. ALIZADEH: Or Thursday. So we are chugging along. Any questions anybody has or any concerns? And I hear, I'm going to meet with Bob McCulloch about maybe communicating with people out there about the process of the grand jury and why it is not going to be done this Friday and so forth.

: . I think he has done pretty much getting it out there. I think the community leaders need to back him up and confirm what he's saying, I mean. I'm quite sure the process is written somewhere in the book or law books or whatever and it is pretty out there what the process is, they just need to tell, I think, the community to try and get some stability back into the community.

This is what, this is what they're doing, this is what they need to do. I mean, if I were in Michael Brown's or Darren Wilson's shoes, I would want somebody to know everything before you make a

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decision what happens to me or my life or what I did or what I didn't do.

MS. ALIZADEH: And that was, you know, Mr. McCulloch's, pledge at the very beginning that you all would hear everything. I know it is very tedious at times, but as you are beginning to see, there is a lot of people that see different bits and pieces, a lot of different viewpoints, a lot of different statements and so, you know, it is going to be up to you guys to sift through that. We don't want to leave anything out. Down the road after this decision is made, I don't want somebody saying, well, you didn't call this person.

But as far as the community leaders, you know, that's going to be something that is up to Mr. McCulloch. And as you know, there have been a lot of those same people have called for him to recuse himself and not be the prosecutor on this case. I don't know what kind of communication would happen between them if there would be, but I hear you and I know what you're saying. But ultimately, Sheila and I are we're just doing this part of it, it will be up to Mr. McCulloch to decide how to handles that kind of public relations issue.

MS. WHIRLEY: We will convey it to him

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though.

MS. ALIZADEH: Okay.

Could you maybe just do a little research too to see if there has and how common it is that a grand jury would release a statement with their ultimate decision at the end? I don't know that we would ever want to, but it might be an option to help calm things or a thought.

MS. ALIZADEH: It is funny that you say that and I think, I don't know if you guys have asked that before. I mean, I have been here 26 years and, um, actually even before Bob McCulloch was the elected prosecutor. And never in my experience, now I know that we have had several grand juries conduct investigations into excessive force involving police officers, whether it be shootings, whether it be homicide or an assault where a person wasn't killed, I'm not aware of ever being a statement released after the grand jury has made its determination.

MS. WHIRLEY: I'm sorry, Kathi, let me make sure I understand. Were you suggesting that a grand juror would make a statement?

: I'm not actually suggesting that we want to, just was wondering if it

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ever happened or was that in the history of that or kind of like you were going through what the debate time we would also continue if we didn't have a certain number going to look into that. I'm curious as well if there had been any historical point of grand juries doing that. I don't even know if we would even want to.

MS. ALIZADEH: I'm not aware of anything like that ever happening.

: I don't think, one thing, I don't want them to know me or know anything. I don't want anything out there.

Yeah, we would never make a statement with names.

: But for me, I don't want nothing to do with any release, the press, the news.

: Just to be clear, it wouldn't be an individual statement.

: I do the best that I can.

MS. ALIZADEH: I'm not sure what your charge is. I know that the judge read the charge to you as to what your duties and obligations are. I don't know how that extends beyond your term. Like, you know, I know when we have a trial, the jury is told they can't discuss this with anyone, but at the

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conclusion of the trial that admonition is lifted and they're told you can discuss this with whomever you wish or not at all, it is up to you.

I haven't seen what the charge is that the grand jury gets. I don't know that if the grand jury is allowed to talk about this after the fact. I'm not sure about that and we can look into that, but what I'm guessing or I'm thinking, and you all, you know, again, there's nothing written in stone right now, but you are talking about the possibility as the grand jury as a group preparing some kind of formal statement that would accompany your decision. And it wouldn't be like your names would be attached to it, you would agree on some kind of statement that you would want to make about whatever you would want the public to know about that.

I'm not aware of that ever happening and so I'll look into that to see if that's even possible. Obviously, if they say no because your admonition is not lifted after, then you can't talk about your, the process and your deliberations and the evidence that you heard.

So I will look into that.

Thank you.

MS. ALIZADEH: I haven't forgotten about

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the fact that you all are interested in getting some law and we have talked about that too. We just haven't had a lot of time.

We do have another attorney who is going to help us do some of the background research and stuff like that, we just kind of got him. I feel like we have an assistant now. So it will be somebody that can help do some of this background research and go over some things. Give you whatever answers or information you think you, need, okay?

Everybody have a great evening and this concludes the session of this afternoon on September 30.

(End of the September 30, 2014 Grand Jury Proceedings.

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State of Missouri
SS.
County of St. Louis

I, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and

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complete transcript of the questions propounded to and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.

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COURT MEMO

State of Missouri vs. Darren Wilson

CERTIFICATE OF OFFICER AND
STATEMENT OF DEPOSITION CHARGES

DEPOSITION OF Grand Jury, Volume VIII

9/30/2014

Name and address of person or firm having custody of the original transcript:

St. Louis County Prosecuting Attorney's Office
100 S. Central Ave.
Clayton, MO 63105

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Notary Public

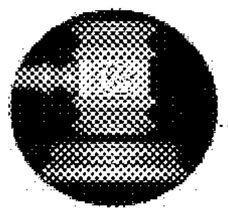
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Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume IX

Date: October 2, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

OCTOBER 2, 2014

VOLUME IX

Electronically signed by 9cb941a5-be4c-432a-b1fc-816dc0e41935

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 2nd day of October, 2014, before

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APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

Assistant Prosecuting Attorneys for St. Louis County

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

(314) 615-2600

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GRAND JURY HEARING VOLUME IX

MS. WHIRLEY: I'm Sheila Whirley, of course, Kathi Alizadeh, the 12 grand jurors are here and is here taking town everything we're saying this morning. We are going to start out with the witness that we talked about last time we were together that's .

Before she comes in, however, she is here waiting to give testimony. Before she comes in we're going to listen to a statement that she gave to the federal, during the federal investigation, FBI and U.S. attorney and well a couple of attorneys from the Department of Justice. So we will hear that interview. It is probably in totality an hour and 13, 14 minutes, something like that.

We have the transcript that Kathi will pass out in a moment and she wanted to let everybody know that we just got the transcript, I believe, last night.

MS. ALIZADEH: This morning.

MS. WHIRLEY: This morning. We haven't had a chance to proof it. So as you are listening and you read, if you hear something different than what's printed, what really count is what you hear because that's in 's words.

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Someone else is listening and transcribing what she has to say, but the real evidence is the actual statement that she's giving, the audio recorded statement. So with that little bit, is there something wrong?

MS. ALIZADEH: No.

MS. WHIRLEY: They had a break, it is going to be like two different recordings because they take a break and then they come back on a second recording that's only 13 minutes, and the first one is a little over an hour. So with that bit of introduction, we'll stop recording, and then we'll play.

(The interview of is being played at this time.)

MS. WHIRLEY: I didn't say the date is October the 2nd, 2014 and the exhibit that you just heard the audio recording was Grand Jury Exhibit Number 23.

We do have that witness here and it is approximately 12:07 p.m. now. We'd like to go on with the witness. Lunch will be here momentarily, if it is not here already. Can we do the witness and then lunch? Okay.

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q Introduce yourself to the jurors and spell your name for the court reporter.

A Okay. Hello everybody. My name is , last name ,

Q And, as you can see I'm standing back here so that when we have a conversation when I ask you questions, you answer, you will speak up loud enough so I could hear you.

A Okay.

Q That way we'll know all the grand jurors can hear you too, okay?

A All right.

Q We've got a map up here and that's Grand Jury Exhibit Number?

MS. ALIZADEH: 25.

MS. WHIRLEY: 25.

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Q (By Ms. Whirley) You've got a pointer, you know how to use it, right? I'm going to ask you some questions and I want you to be able to show us up on the map, there you go, is that okay?

A Yes.

Q Good, all right. So show us, first of all, where you live currently if it is on the map?

A Right there. (indicating)

Q What's that address?

A , Apartment

Q And that's on, what's the street, is that Canfield Drive?

A Yes, Canfield Drive.

Q And you indicated on the map where that's located, is that like a first, second, third floor?

A Third.

Q It is the third floor. Okay. Now, you know why we're here?

A Yes.

Q This is about the Michael Brown shooting?

A (Nods head.)

Q And that occurred on August 9th of 2014. Do you remember that day pretty well?

A Yes.

Q And that would have been a Saturday,

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correct?

A Yes, ma'am.

Q Okay. Now, it was somewhere around noon; is that right?

A Yes.

Q Tell us from the beginning what you saw, what you know about the Michael Brown shooting?

A Okay.

Q Speak up loud enough.

A Sure. Start from the beginning of the day or the beginning of everything that I saw?

Q Let's start with the beginning of your day.

A Okay. I woke up that morning, I was waiting to have my boss to come get me for work. We were supposed to be heading out a little ways before that evening, I'm sorry, the afternoon, she called me.

Q I'm sorry, I didn't hear you well. Will you tell us what you were going to do at work that day?

A Oh, no, we were heading off for work.

Q Heading off for work?

A Right.

Q What kind of work do you do?

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A I'm a sales consultant for

Q And that's the job with , she's your employer?

A Yes.

Q Okay. And what were you going to do that day, on Saturday?

A I don't remember like because the way we work is we go door to door, but I don't remember where exactly where we were headed that day. We were going out to work.

Q You go door to door and do marketing or sales?

A Yes.

Q What are you selling?

A We're technically not selling, it is energy, the regulation of energy through Ameren.

Q Okay, all right. Go ahead.

A Okay. So I was calling her to ask her if I could probably get a ride. I didn't have another ride that day and she was just saying, yeah, that was early, around 8 or 9 o'clock. She said I will be there shortly. I'm waiting for her. I finally get a call from her, I was cleaning my room, which is right there on the very corner.

Q Can you get the light on?

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A Yeah, which is right there on the third corner. So I'm sitting in my room.

Q Here?

A Yeah.

Q Okay.

A I'm sitting in my room and I look down at my phone and I'm getting a call from . At the same time I'm getting a call from her, I hear tires screeching in the middle of the street. We had gotten into a car accident about a couple weeks before that, so that already made me go to check on her, hopefully she didn't hit anybody or she didn't crash or anything like that. So that's what drew my attention outside the window. I then looked out the window and just noticed the police car outside.

Q And where did you notice the police car when you looked out the window, where on the map, show us?

A It is like a police SUV, not a smaller car, a bigger one, it is about right there, sorry.

Q Do it again. If you need to stand up, you can. You don't have to, it is up to you.

A Okay. It is right around there.

Q Okay. That's where you saw the car from your window here?

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A Yes. I had noticed that 's van, it was right around here. I could still see her too.

Q Was she driving when you noticed her or was she parked?

A She was at a standstill.

Q She was in the car, but it wasn't moving?

A Yes.

Q And where was it again?

A Right around here.

Q Okay. There is her car right around there?

A Yes.

Q How was the police car stopped in the street?

A It was in the middle of the street, slanted.

Q Okay. Slanted?

A Slanted towards basically this way.

Q And what street would that be?

A This is West Florissant.

Q So it was facing west?

A Yes, that is West Florissant, it was facing West Florissant.

Q West Florissant, okay. So, and then what?

A Okay. Where was I, I looked out of my

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window and I saw a glimpse of just the top of a hat.

Q What color?

A It was a red hat.

Q Okay.

A The glimpse of a top of a hat, just next to the vehicle and I just saw a movement, a jerking away movement.

Q A movement of what, the car or person what was the movement?

A It was an arm.

Q It was an arm?

A Yes.

Q Did you later learn whose arm?

A Yes, I later found it was Michael Brown's arm.

Q Michael Brown's arm?

A Yeah.

Q You saw a jerking of the arm?

A Yes.

Q And then what?

A Okay. It was like simultaneously as I'm getting a phone call, I hear the tires screeching and I look out the window and I hear gunshots at the same time. Because this all happened very quickly, this gunshot.

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I'm looking out my window, it is just a couple, two or three, I'm looking out my window. I notice that they're coming from the exact direction as the police car. I notice that they're coming from the direction, the direction that the police car vehicle, so still right there. It was really loud because it was right outside my window.

Q Okay. You said the shots were coming the direction of the police car?

A Yes.

Q Did you make any assumptions about that?

A I did. I, um, in the beginning stages I did make assumptions. I thought that, couldn't really tell, you couldn't tell, but I thought that maybe a bullet hit the police car, maybe it hit the building into the police car. It was just like, you could hear an extra oomph, you know what I mean?

Q You didn't know what had occurred, but you heard --

A Yeah.

Q -- but you heard the sound of shots?

A Yes.

Q Okay.

A Just right next and that all happened like simultaneously.

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Q Once you heard the shots, what did you notice next?

A I looked away to grab my purse because I was looking for her car, but I noticed it was fine, but I was going to go outside and go to her, but I decided to not go outside because of gunshots outside my door. I grabbed my purse and head back to the windows.

At this moment I'm headed, I'm looking out the window, it is facing towards this street now.

Q This is a different window you are looking out?

A Yes, this is the window from my balcony.

Q Okay.

A A big glass sliding door, it is a window and door you can walk straight out.

Q Were you still inside the apartment though?

A Yes, I was. So I'm at the balcony and I just notice other police officer run down the street, just running, chasing, who knows, he's just running, to me he was running.

Q Could you see who he was running after or why he was running?

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A At the time I couldn't, my focus was on this car that was right here in front of my apartment. The car is right there.

Q So what was the proximity of the car to the police car, to the police truck?

A The car, okay, the police car, or the police truck is right here in the middle of the street, somewhere around here. And the other car was like in front of this Canfield Drive sign, so it is just right there, right in front of my window.

Q So right behind the police car?

A Yeah.

Q What kind of car was that?

A It was a Monte Carlo, two-door car.

Q What color was it?

A It was a dark color, it was black or a dark blue car, like a dark, dark blue, but I'm pretty sure it was a black color.

Q Okay. Why did that car draw your attention?

A I saw somebody I recognized like crouching next to the car. It was, I call him DJ, it was Dorian Johnson. He was just crouching next to the car. I originally thought the police, he'd been involved in something and he was hiding, but the

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police just ran right past the car like not even looking no other directions, ran right past it. So he's just still kneeling and that's when I start to think he must be hiding from the police because there's --

Q So did you hear some more shots after you heard the shots from you thought was in the car, or around the car?

A Yes. As I'm looking down at him, I'm hearing more gunshots.

Q As you are looking down at whom?

A At Dorian and like he's right in front of me. So I'm looking kind of down when I see him.

Q Do you know where the shots are coming from at this point?

A I could tell that it was following the police, so the police was the one shooting the shots. It was like, my eyesight is coming from a car area at first and now it's coming from this way. (indicating)

Q Okay. So there are shots coming, the officer is running, or shots being fired and the officer is running, do you see anybody else at that point?

A No, my um, my vantage point gets blocked

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off from the police running because he runs behind, how do I explain this, this little small wall right here. He just runs right around there somewhere.

Q So he runs past the wall?

A Yeah.

Q And at that point your vision is blocked, by the way?

A By the officer, yes.

Q How far did you see the officer run to?

A From his car down.

Q Show us where, how far you saw him run?

A If his car was right around this area, he ran straight past the Monte Carlo, straight back where I can't see him any more, about right around here. (indicating)

Q So not quite to the intersection?

A Yeah, not quite all the way over there.

Q Okay. And that's the intersection of Canfield Drive and Copper Creek Court?

A Copper Creek Court.

Q He didn't get to that intersection?

A No.

Q Did you see the officer stop running?

A No.

Q What did you see next, you say he's

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running?

A Okay. As I'm glancing down and Dorian, I heard the gunshot as I notice the officer running past me. I just glimpse at the officer, I wasn't too much paying attention to him because I'm more thinking about what is going on next to this car. There is also people inside the car and it appears to me like Dorian was going to hop in it and just leave, but that never happened.

I just have a glimpse, what I presume to be a kid, I don't know why I thought it was a kid, but he just looked young, you can tell somebody young. He just turned around at this moment, nothing is blocking any more, and I can see somebody turn around was starting to put their hands like this. (indicating)

Q Before you get to that, where did you see the person, I don't know if you say you saw him stop running or saw him turn around, did you see that person referred to as Michael Brown, did you see Michael Brown stop running or running at all?

A When I, um, saw him, I hadn't known that it was him by the vehicle at first, I didn't draw that connection. By the time I got over here, like I saw it was almost over, basically the color of the

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hat. There was no person with a hat on over here, never got the connection at first. But I saw him like get out of the blockage. So he was moving towards this way. (indicating)

Q Who?

A Michael.

Q He was moving toward?

A This way. (indicating)

Q This way?

A Yeah.

Q Where was he when you first got sight of him after your vision was blocked by the wall or whatever?

A He was right around here. (indicating)

Q And that car is not related to this case?

A Okay.

Q So where did you see him?

A It was like right around where his car is.

Q At the intersection or not quite the intersection?

A I just say the intersection.

Q So he was closer, some feet away from the intersection of Copper Creek?

A Exactly.

Q On Canfield Drive when you saw him?

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A Yeah.

Q And when you first saw him in this area, was he moving at all, tell us again what he was doing when you first saw him?

A When I first saw him he was coming to a still and turning.

Q So he had been moving?

A Yes, you could tell because --

Q Show us what you saw?

A Okay.

Q If you don't mind, please.

A Sure thing. Okay. He's moving his body this way, can everybody see me? I'm sorry, he's moving his body. I don't know, I couldn't tell, he was most likely running too.

Q Tell us what you saw?

A Okay. This way, this is what I saw basically.

Q Okay.

A At that moment I start hearing just a great deal of shots. I could not say how many shots it was, after that it was a great deal of it.

Q So at the time you demonstrated for us that he was turning around because at first his back was to where you saw the officer running?

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A Yes.
Q And he was turning around facing the officer?
A Yes.
Q Could you see the officer too at that point?
A I still could not see the officer.
Q So the officer now was blocked, but you could see Brown?
A Yes.
Q And he turned around and this has been important and we've heard a lot about hands up, so once again, demonstrate for us turning around and the hands?
A Okay. I saw him turn to his right, turned around, but as he was turning, I'm sorry, he was like this. What I was saying was that I didn't see like a big all the way up there kind of thing, I just saw a turned around kind of right here. (indicating)
Q Kind of shoulder high, hands up?
A Yes.
Q But his palms were like facing the officer?
A Yes.

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Q Did you see any blood?
A I did not see any blood.
Q Did he appear injured to you?
A No, he didn't. Not at that point.
Q And when he was standing there with his hands up, did you see him move at all?
A No, okay, that's the part I want to get to. After that, it was just a lot of gunshots. So at this point, I'm looking out my window. I guess I either glance back at Dorian or I flinch or I do something to where I take my eyes away and next thing I know, he is falling down.

So I never saw him make any more movements except for a lot of shots and he started falling down. He fell on his knees and he hit his face on the ground.

Q When you saw him falling down, did he appear to be at the same spot that he was when you saw him turn around?
A In my recollection he was.
Q When he fell down, where was he?
A Right around the same spot. Right around that area. (indicating)
Q Do you recall how many shots you heard?
A No, ma'am.

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Q When he turned around?
A No.
Q Did he appear, because you can see him now, right, when he turned around you had full view of him, but not the officer?
A Yes, the officer was blocked.
Q Did he appear to be reaching for anything?
A No, ma'am.
Q Did he touch his waist at all?
A No.
Q So you saw him actually go down?
A Yes.
Q And hit the ground. I don't want you to hit the ground, but can you demonstrate how he went down?
A Okay. But now from my point of view I'm just looking at his knees, but I'm sure it wasn't that slow, but like a fast, knees, boom and falling forward. (indicating)
Q Okay, thank you. Did he move any more after that?
A No.
Q Okay. And what did you do after you saw him fall to the ground?
A Started crying.

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Q Started crying. Okay. And then as you are crying, what happens next? I'm going to get you some napkins.

When you saw him fall, then you say you started crying, then what happened next?

A I just ran to my room where I left my phone and, um, the condition of my phone is incredibly horrible. I dropped it, it was cracked in many spots. You cannot really see the screen, that wasn't my first intention was to get my phone. I just ran back like I have to make this work somehow. I ran back, got my phone and just started recording everything that I saw from that point on.

Q Okay.

A I just hit the record button and have my phone, even though you couldn't tell on the screen, see the screen.

Q Did you call anybody or talk to anybody?

A No, I was too shocked.

Q Okay. And at some point you, I think this maybe --

A I'm sorry, after I left, after like the whole aftermath happened, I did make a couple phone calls, but not like during the whole part where they took the tape up and all of that. I was mainly on

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my balcony after things started, after an hour or so passed, I started getting phone calls and then making them.

Q How long was it after the shooting did the police contact you for a statement that day?

A Probably about an hour and a half.

Q Okay.

A Two hours.

Q How did they know to contact you?

A Because they saw me and standing right there.

Q Standing?

A On my balcony.

Q At this point you were both standing on the balcony?

A Yeah.

Q Do you remember what you were wearing?

A I had my uniform on. once she came to my balcony, she said we can't be out here with our uniforms on, we have to change shirts. You have a shirt that I can wear? I went in my room and gave her one of my shirts.

MS. ALIZADEH: I'm having trouble hearing you, .

A I'm sorry.

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MS. ALIZADEH: I want the jurors to hear you. It is okay for you to talk in your direction, but can you talk a little louder so I can hear you too.

A Yes, ma'am.

Q (By Ms. Whirley) What color are your work shirts?

A They're anywhere from orange, to blue, to black. I just gave her a normal shirt.

Q What did you have on?

A I put on a black shirt.

Q A black shirt. Did you have on a black shirt before then?

A No.

Q What did you have on before then?

A Before I got dressed, I had on a, pretty sure my blue uniform shirt.

Q You're not sure though?

A I'm pretty sure.

Q Okay. Now --

A She had on the same color.

Q Okay. Dorian Johnson, you mention him, I think you refer to him as DJ?

A Yes.

Q So you know him?

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A Yes.

Q You knew him before this day?

A Yes.

Q How well did you say you know him, did you socialize with him?

A He was the very first person I met when I moved there, like the month before I had moved there. He was just walking down the street. I said, hey, I'm going to be your new neighbor, I'm going to need a friend and we started after that.

Q How long did you live there before this happened?

A From July the 1st, I moved in July the 1st.

Q And this was August the 9th. Now, did you know Michael Brown?

A I did not know that I had met him if that makes sense. Somebody standing outside tells me like hey, this is the guy we were with that one time, you know, kind of thing. I didn't immediately recognize him at all.

Q So do you ever recall whether or not you socialized with him?

A I still don't remember exactly what it was, but the memory of what I was doing that day is

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in my head, I still don't remember interacting with him.

Q Okay.

A But I know I've been in the same room with him.

Q But somebody told you that he had been in the same place you had been?

A Yeah.

Q Did you remember it then when he told you that?

A I remember the incident, I can't remember him like that.

Q Did you actually talk to him?

A He said I did, but I can't recall the information if we did talk or what we would have talked about and everything.

Q Okay.

A Yeah, somebody had to actually point out to me who it was.

Q Now, at some point do you go outside your balcony, I mean, from the inside of your apartment to the outside on your balcony?

A Uh-huh.

Q Do you go down to the front? And you said yes to that question, right, that you go out to the

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balcony?

A I believe out of my door, yes.

Q Okay. Let me, I wasn't real clear. At some point did you go out onto your balcony outside?

A Yeah, okay, yes, I was standing on my balcony.

Q My next question was, at some point did you go out of your apartment to the ground outside?

A Yes, later on. We were trapped inside the yellow tape for quite a little bit.

Q Not until the police allowed you to?

A Basically.

Q When you are outside on the balcony, is that where you tape that or recorded, you actually went outside to record?

A Yes.

Q When Michael Brown dropped to the ground, were you inside or outside?

A I was inside.

Q You were inside. I'm going to step back here so you can talk.

A Okay. I was inside.

Q You were inside. What I'm trying to find out, did you see the officer when you went out?

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A Okay. When I went out my door, there were two officers there at this time.

Q Okay. The first time you went out on your balcony outside, there were two officers there?

A Yes, there was already another officer on the scene by the time I went and got my phone, picked it up and put it on the camera and walked outside, there were two officers there.

Q And that's when you started recording?

A Exactly.

Q You didn't see the officer when Michael Brown was actually shot?

A Exactly.

Q He was out of your view?

A Yes. So I don't know the proximity they were in.

Q That was going to be my question, but you answered it. Now, there's been some discussion about, I'm sure you have heard this, you have been interviewed a few times; is that right?

A Yes.

Q You have given interviews to the media, you've talked to the FBI, to the police?

A Yes.

Q We're trying to make sure we get things

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clear, probably everybody asking you probably the same type of questions.

At the window, when you first saw Mike Brown at the window, are you sure of what you saw regarding the arm and pulling and that kind of thing?

A Yes, I had made an earlier assumption that he was being pulled because why else would you be jerking from the police.

Q When you say jerking, can you show us what you saw?

A Like just a quick movement, like a quick arm jerk. (indicating)

Q You saw that?

A Yes.

Q Regarding the shots fired before Mike Brown fell down, you recall how many shots you heard?

A No.

Q No?

A Yes, no.

MS. WHIRLEY: Anybody else have any questions? Well, Kathi, let's start with you.

Q (By Ms. Alizadeh) Hi .

A Hello.

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Q I know you met Sheila before you walked in here, I work with Sheila and so I'm an assistant prosecuting attorney and she and I are both presenting this case to the grand jury, so I haven't had a chance to talk to you; is that right?

A Yes.

Q Okay. I'm going to show you some pictures.

A Okay.

Q I think, you'll see that these are pictures of the scene on that day and they may help you explain where you were in relation to what was going on. So these are pictures that were taken by a detective and are contained in an envelope that I have marked as Grand Jury Exhibit Number 23.

I'm going to show you what has been identified and marked as Image Number 4. Can you see okay or would it be better if you --

A No, I'm okay.

Q You can see that okay?

A Yes.

Q Okay. Does it help if I turn down the lights?

MS. ALIZADEH: Everybody can still see to write, right? There is a little bit of a glare on

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this, that's not actually like the sun coming up. That's just the way the light shines on the photograph paper.

A Okay.

Q (By Ms. Alizadeh) So you've got a pointer there and I'm going to use one too. But from what I am gathering, this is your building, correct?

A Yes.

Q And you live right up here?

A Yes.

Q So this window right here, is that your bedroom?

A Yes, both of those.

Q Both of these?

A Yes.

Q So you have a window that looks out looking west toward West Florissant and you have a widow in your bedroom that looks out onto Canfield?

A Yes.

Q Now, is this the parking lot where had actually parked her vehicle?

A Yes, that's just, that's not.

Q She pulled in here?

A Yeah. So she wasn't that close, she was over there.

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Q Did she park over there or did she park against your building?

A She parked right here. (indicating)

Q Right there. So she's not parked right along here? (indicating)

A Yes.

Q She's not; is that correct?

A Yes, that's correct.

Q Okay. And so when you first, something drew your attention, there were three things that all happened kind of at the same time. The tires squealing and your phone ringing?

A Yeah.

Q And gunshots, which originally you said three shots is what you heard, is that how you remember it today?

A I remember hearing a couple of shots, two or three, yes.

Q Okay. A couple of shots, does that mean two or does it mean two or three?

A It could have been two or three.

Q Okay. And so when you looked out, is this the window you first looked out?

A Yes.

Q And that's your bedroom?

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A I'm sorry, when was calling me, no, I was sitting on my bed.

Q Okay. You said you looked and saw it was calling you?

A Yes.

Q How did you know it was calling you?

A Because , okay, the way my phone is shaped, you can see the right side of the screen, like the very right side. So at the end of her number, I know the last four digits of her number. It was her calling me.

Q Okay. So your phone was on the bed?

A Yes.

Q So did you go over and look at the phone when it was on the bed before you went to the window?

A I picked the phone up and went to the window.

Q Okay. So when you go to the window, you look out and see the police car?

A Yes.

Q I want you to know, at least I can't speak for everyone else, I truly believe you were there and I know you saw things. What we're trying to

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figure out, because as many people have said, sometimes over time your memory changes or sometimes people influence your memory, not intentionally, but because you sit down and you talk with people about what they saw and those memories kind of become your memories, okay.

So what we're trying to do, and you know that people have asked about various statements you have made in the past. We're just trying to make sure that we understand that this is what you saw and not what you say, you're not saying it because somebody else mentioned it and now you believe it too.

A Yes.

Q Do you understand that?

A Yeah, I get what you're saying.

Q And, you know, are you years old?

A Yes, ma'am.

Q I know what you saw was horrible and it is probably never going to come out of your brain, it will be in there forever and I'm sorry we have to ask you this many detailed questions. It is probably something you don't want to have to think about, but it is important that we get this information, okay?

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A Yes, ma'am.

Q So now when you first look out, you see the police car and you see what direction is the car facing?

A It is facing towards that way. (indicating)

Q Facing towards West Florissant?

A Yes.

Q Now, you know in the FBI interview, the gentleman, Mr. asked you a whole bunch a questions about when you first entered on the day this happened, you said when you first looked out, you saw a police officer get out of the car and running?

A Uh-huh.

Q Do you remember him talking to you about that?

A I remember him mentioning it.

Q Have you had an opportunity to look at the transcript of your prior statement or to listen to it?

A No.

Q Okay. You haven't looked at it or listened to it, so I understand that this might be the first time, but I'm going to show you a

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transcript. It says it is on August 9th at 2:19 p.m. And it has Detective , do you remember talking to him?

A Yeah.

Q And then you're , correct. It says he starts out by saying that you're at Canfield in an unmarked police vehicle. Were you in his car or in a police car when you made this statement?

A I was in a car.

Q Okay. So now you've given some information about your phone number and so forth. And then you start talking to him around page three about the fact that your boss was going to pick you up. She was going to pick you up and she was headed towards me, do you see that?

A Yes.

Q And then you said here on page three, at the moment I heard a car tire skirrr, like skirrr, like it hurried up and pulled over. At the same time she called me to come outside cause I was waiting on her.

So I saw her, so I looked out the window and I saw the police. And the first thing I saw was, and then the officer interrupts you. I'm

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going to stop you here for a second, okay.

And then he asked you where was

She was at her van, blah, blah, blah, you were just getting ready to tell him the first thing you saw, he stops and asked you about

A Yes.

Q And then you talk about over in the parking lot, do you see the van? Yes. Where is it? Right behind those officers.

So you are talking about where you see right? She's in the Do you see where I'm leading you down the page?

A Yes.

Q And she's sitting in her van, yes. Okay what happens then. Okay. So she witnesses everything from behind, but I witness it from the top.

You are on the third floor, right?

A Right.

Q I looked outside and saw the police the first thing. The only thing I saw at that moment was, and then he stops you again, right?

A Right.

Q Like you couldn't get those words out. So I'm going to stop you again. And then he's asking

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you where you were looking outside, top floor, second, I'm sorry, third floor. He's trying to clarify where you are, okay.

And then it says here, you're looking out the window, right? No, this one. You are pointing to him where the windows are, right? Facing towards the police car.

So you are talking about what you knew. And then you get back to, cause I heard the skirrr, and I just assumed it was her and she was calling me. So I was going to grab my things to come outside to go to work.

He says, okay. And then you say, so at the moment where, I mean, before I did, I just looked outside to make sure she was, it was her waiting for me and I saw a police officer.

I don't know name running toward this guy. I didn't see the hassle at first, but I did see him get out of the car and run in a hurry.

The guy was, oh, I'm sorry. I can't remember his name, but it was a friend of a friend of mine and , I think you are talking about, are you talking about Dorian at that point?

A No, I was talking about, they keep telling me I knew --

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Q So that is actually not , isn't it?

A Yes.

Q Okay. So he ran and so at that time I came from that window and I ran to the patio right there. I open the blinds and I could see past this corner, so I could see directly there from the blinds.

So there I saw the man running, I kept hearing some gunshots. The lady's window across the apartment complex from mine, her window got shot cause steady shots fired.

So you're talking about the first thing you see is the officer get out of his car and run. And you also mention that I didn't see the hassle at first.

A Yeah, when I was mentioning that, they was saying stuff was going on inside a police car and a lot of stuff. And I was trying to let him know that before the tires screech, I didn't see anything that they were doing before that happened.

Q Okay.

A They said there was stuff going on, and everybody was talking about it and so I did not see those things that they said.

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Q Oh, okay. So on page 7, again, we're talking about how many gunshots do you think you heard and I think that this is initially, okay. Well, I've heard three at first. Like as soon as I heard the skirrr, I heard three gunshots, boom, boom, boom. And then I came to the window and before I could exit my house from the balcony to the actual door, is when I kept hearing more and more shots.

So I was technically trying to say behind, stay behind the door, which is why I could see, um, him getting shot, but I wasn't present for the video to be show cause I was all, I was inside, okay.

And then he asked you some questions about he wants to understand what you are saying. So you look out of that far window and there's s car, right? Right.

And what do you see at that point?

And I saw the man, I'm sorry, by the man, I mean the police officer getting out of his car and running full speed.

So again, when he's asking you, you look out the far window, you see s car, at what did you see at that point? I saw a man

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running, the police officer.

A That's what I saw.

Q Okay. So if you want to look through this, I can let you, but I don't recall you ever telling the police in your interview on the 9th that you saw anything happen between the officer and Michael Brown at the car?

A And I didn't make that recollection like that at first. I have to sit down and think and process everything that had just happened to me.

Q And certainly that's understandable because, as I said, you're years old, you've just witnessed something that hopefully none of us ever have to see. And I know you were emotional at the time.

Do you they think it's possible that that initial recollection was that you didn't see anything at the car and it was only until after people were talking to you about it then you started to think that maybe you saw what happened at the car?

A No, I know that because I didn't make the recollection because I didn't know those were the same people -- person I was seeing. I know that I hadn't seen Dorian before, I saw him by the 2-door

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car. I know that after Michael get shot, that was after I know it was Michael, and that was a person without a hat on. And I, you know, couldn't tell who it was him at that time.

Q Okay.

A It was a brief, a very brief meeting anyway.

Q Okay. I'm going to show you a few more images so the jury can kind of see what your actual location is. Again, you see the police car with the tape around it, that's the officer's car, correct?

A Yes.

Q And then this is your building right up here and where you live right there, right?

A Exactly.

Q And so when you come out of the front of your building, we can see this wooden staircase and is the deck right there on the front?

A Yes.

Q Okay. And then I'm going to borrow your thing here. So this thing right here, this kind of like wall, if you're on your deck, does it block your vision from what's going on right here in front of the street?

A No, if I'm right there on my balcony. It

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only blocks what's kind of to the left of me. If I'm on the left of the balcony on the other side, shortly to the right of me. It doesn't block that much view.

Q I'm going to show you Number 7, and when you were looking out through the blinds, was it out a sliding glass door or was it out an exterior door?

A It was my sliding glass door.

Q Okay. Gee, I wish this wasn't. I'll move it down.

A I might confuse you, I call it a door and a window because you can open it and see out of it, but yes, it is my sliding glass door.

Q Okay. We see in this picture on the third floor is, there's a window and you said that's one of your bedroom windows, correct?

A Yes.

Q And just as we're looking at the picture to the right of that, is that a sliding glass door?

A Yes.

Q And then it leads out to your balcony?

A Yes.

Q And then is there another door?

A Yes, there is another door, yeah, you've seen some of it that was my shadow right in there.

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Q It is right in there, right?
A Right.
Q So when you were peeking out the blinds, was it out of this sliding glass door or out of here?
A Yeah, it was out of my sliding glass door.
Q Sliding glass door. And so you don't come out until after Michael Brown's been shot, correct?
A Yes.
Q So your entire vantage point once you come to this window, you stay at that window until after Michael Brown's been shot, correct?
A Yes.
Q And so wouldn't you agree if people were running in this direction and if things are moving in this direction, this wall is going to block what you are seeing, isn't it?
A For some partially, yes.
Q Okay. So there's things that you wouldn't have been able to see?
A Yeah, that's true.
Q There's a time period where you don't see anything. And then, you know, when you say you don't see the officer when Michael Brown gets shot, do you think it's because this wall was blocking

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where he was?

A Yeah, but from where I'm looking out my window.

Q You want that back up?

A Yeah. From where I'm looking out my window, it blocks like a little bit of how the street is shaped. So it blocks from like here, if I'm looking out of my balcony, I can see, that's the right side of it, I can see kind of over the right side. I can still see the left, I can still see what's right in front of me, just a little portion portion of the whole space.

Q Just to be clear, you never came out of that sliding glass door?

A Yes.

Q Okay. I don't show you this picture to upset you, okay. I am going to show you Number 14.

A Okay.

Q This, again, now, I'm going to orient you here because this police vehicle that you see, the middle of the picture, that's not the officer's car?

A Definitely.

Q His car is up here, okay. So you're apartment is right there.

A Yes.

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Q What's that red dot on right there?
A My balcony.
Q Is that your sliding glass door or is that your front door?
A That's my sliding.
Q Okay. And so, and wherever this picture was taken from, which it looks like it is actually on the sidewalk perhaps?
A Uh-huh.
Q Across the street. If you look in a straight line from where the picture is, you can see into your sliding glass doors, correct?
A Yes.
Q At then this wall at some point would obscure some of your vision westbound a little bit?
A Yes.
Q I just made a note and I want to make sure that I understood this correctly. So you, when you heard the first gunshots, whether it is two or three, and you thought they were coming from the direction of the police car, and then, you were in your bedroom at that point, correct?
A Yes.
Q And then I wrote a note that you just today said I grabbed my purse and headed toward my

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front window?

A Yes.

Q So where was your purse?

A It was right there on my bed.

Q Okay. So you look out your bedroom window, which we know is the window that faces the west?

A Yeah, I looked out of all of the windows. I looked out both of my room windows and then to the balcony. It was just a peek though.

Q And so you go and grab your purse and then you say you looked out your front window. You talking about the sliding glass door or you talking about the bedroom window that faces Canfield?

A Did you say you, can you repeat that, ma'am?

Q This is just my notes, I want to make sure I wrote it right. I don't know if I did or not. But I have here, grabbed my purse, headed toward my front window.

A Yes, okay, that's when I had grabbed my purse and headed towards the balcony.

Q That is the sliding glass window?

A Yes.

Q So I assume that you leave your bedroom,

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what's on the inside of the sliding glass door?

A Blinds.

Q No, is it like your family room, kitchen?

A Living room, yes.

Q Living room area, okay. So you go from your bedroom to the living room and then to look out that window?

A Yes.

Q And you also said in your statement to the FBI, or your attorney did, that you had pointed out to someone tire marks in the street where the car had, you know, we heard you say it screeched its tires.

A Exactly.

Q Who did you point those tires mark out to?

A To her and her husband.

Q Your attorney?

A And her husband, yes.

Q So when was that?

A Um, we were making a short video about the bullet that hit the wall across from mine. So we were talking about that and I was just saying the tire mark screech and this is where I heard the car at and where I saw the car, and where the bullet hit the wall and stuff like that.

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Q And you said in your statement to the FBI that you had made, you had written down everything that you had scene shortly afterwards. How long after it happened did you write everything down?

A Right before or right after I got my attorney. So that wasn't long at all, that was within a week or two weeks of it happening, a week or two weeks, maybe not even that long.

Q And then when they asked you about that statement, you said that you burned it?

A No, I didn't burn it, I got rid of it, I threw it away.

Q You threw it away?

A Yeah.

Q Why did you throw it away?

A Because I become really paranoid. Every day I came home there was a different reporter on my door and everybody knew where I lived at. And I couldn't get one sense of peace at all.

So I was getting calls, my family was getting calls, every day they would come to my door. I started to get paranoid they are going to find this and use this. I got this really bad paranoid feeling, the whole thing was sick to my stomach. I got rid of everything that I had wrote down.

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Q Why didn't you just give it to your attorney?

A Because she didn't, she had already been listening to me, she didn't need it. She was there when I wrote some of it.

Q So she knew that you had made a written recollection of this?

A She had known about one of them that I made.

Q Did she ever read it?

A I'm pretty sure I let her read it, yeah.

Q Do you know if she might of made a copy of it?

A Oh, no, she didn't. As a matter of fact, I don't know if I was reading it to her, but I remember her knowing about it, the little phrases, I'm sorry, like on a little note pad thing.

Q Okay.

A That was the first one I had written. I had written it down multiple times after I started getting paranoid, I didn't do it at all.

Q Okay.

MS. ALIZADEH: I don't have any other questions. Anybody have questions?

: My

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question is in regards to at the car when you saw Michael Brown jerk away.

A Yes.

You describe it as arm movement, you did see the arm?

A Yes.

: Do you know if that was reaction to the gunshot you heard, he was reacting to a gunshot?

A It may have been.

The timing wise was right?

A Yes, it was almost simultaneous.

Do you know if it was the right arm or left arm that you saw pull away?

A Um, I think, I want to say left arm because in the front how the police car was shaped, that picture is gone. How it was slanted, kind of slanted and I'm looking toward the front. I just see a jerking motion moving backwards, I want to say left arm.

: After he jerked back, did he go forward again and reengage, or was this out of your view?

A I didn't see anything after that. It was a very quick glimpse.

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: Do you know how long after that he tried to run or did you see him actually pull away and run?

A Um, after I saw the little jerking motion is when I was reaching for my purse.

: Thank you.

A You're welcome.

MS. WHIRLEY: Anybody else?

: . After Michael Brown fell, you did continue to observe the scene, correct, you saw them put up the yellow tape and all of that?

A Yes, sir.

: Did you see anything that would indicate that anybody moved or interfered with anything within that taped off area?

A No, no, they wouldn't let anybody near it. There were already two officers right there and another one putting up tape. They were securing and putting the cones down.

: . if I can, I'm just referencing back to the testimony or statement you gave to , Detective the day when you are sitting in the police vehicle, do you remember that?

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A Yeah, yeah, the car, yeah.

: I'm referencing page ten of that transcript.

MS. ALIZADEH: Did I leave that with you up there?

A No, you didn't.

MS. ALIZADEH: You know what, mine has markings on it, if you don't mind markings.

A Thank you. Is this everything?

MS. ALIZADEH: You said page ten?

: Yeah, page 10.

A Okay.

: Go down, I guess fifth paragraph, I guess. Where it says, I'll just read what it says here. It says, you're responding to Detective . You said, yes, she said they shot through the window and, um, the other guy was unarmed because he put his hands up so to be compliant, so this is okay.

So I saw the officer running and by the time I got to the next window, I saw him get down like, arms up and then get shot afterwards.

When you say here I got to the next window, I saw him get down. Okay. Who get down, who is it that you're referring to, do you recall?

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A I'm sorry, you said who I was referring to?

: Yeah, uh-huh.

A This sounds odd jumping up, I'm trying to think about what I was talking about.

Okay.

A I don't know, say get down, I might have said, for instance, when I saw him fall.

: Okay.

A That's probably, that's the most likely cause how this paragraph is jumbled, I'm pretty sure I was talking about when I saw him fall when his arms are like that. (indicating)

: So you are referencing Michael Brown; is that correct?

A I was, yes, ma'am.

MS. WHIRLEY: Is there someone else?

I have one other question.

A Sure.

: At any time did you hear the officer yell to Michael or to Dorian or whoever?

A I heard no audio.

: You heard no audio?

A Only gunshots.

: Thank you.

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. We saw a lot of news clips also, including the video you shot on your phone following the incident.

A Okay.

: So my question for you, in the video the two officers, and obviously you witnessed the event, you saw Officer Darren Wilson, how certain are you in the video that you shot of those two officers that the one on the right is Officer Darren Wilson?

A Okay. I'm want to say 99.9 percent certain. They look nothing alike. You can tell one was short and kind of chubby, the other one is tall and more built. He was the only one running and the only one that had left the scene before everybody gathered there.

Between the two people, I'm 100 percent sure between those two people, it was not the guy on left, it was the guy on the right 99.9 percent accuracy.

: Of the two people, are you sure it was Darren Wilson or is that someone who looked more like Darren Wilson? I mean, are you sure when you are taping that was Darren Wilson?

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A I'm sure that was Darren Wilson.

: I have another question, this is going back to the interview you gave with the FBI and I'm going to reference page 11 and 12.

A Okay.

: That's not the one.

MS. ALIZADEH: You talking about the FBI interview?

: Yeah.

MS. ALIZADEH: I have one.

And again, I'm confused, that's why I'm asking you these questions.

A Okay.

This is some kind of car accident or something. I just automatically looked right out my window and right now I'm looking out the window to see a police car right in the middle of the street. I see a young man standing, and that's what you said earlier today.

So then you go, I couldn't really tell what was going on. There was a lot of movement, but then you say I'm looking at pull into the driveway after the shot was fired.

Now, the shot fired out the window, so that's my question. Because you go on to say, you

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gather your purse and some items and at this time Michael is running down the street and Darren is chasing him. So I'm looking at the officer.

I'm really confused by this.

A Uh-huh.

: I just want to know from page ten where you are talking about seeing him doing a lot of movement.

A Okay.

: Is that where you heard the first shot because on the next page I'm looking at pulling into the driveway, a shot was fired.

A Okay. They did all go on at the same time.

: Okay.

A It was like a movement, it was like the window, you are looking out the window and then movement, shot, all of that happening. Out of the corner of my eye I could see just turning.

: It was all simultaneous?

A Exactly. She was already by this point to turn, she was probably, I don't know, she was already right there and she just turned into the lot and --

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And that's why, , if that shot could have been his hand and then jerked from the shot being fired in the car, these things were all happening at the same time and that's why you thought that?

A Yes.

: Thank you.

A You're welcome.

: When you recorded the video, is that the video of who you think is Darren Wilson, is that the same person you saw getting out of the police vehicle?

A Yes.

: Okay. During your recording of the video, could you tell us what you saw after, I guess, what the police officer was doing after Michael Brown fell to the ground?

A Okay. You want me to tell you what the police officer's doing? Okay. So, while I'm watching him, I'm not really looking at my phone, I'm just looking at the things that happen. I have my phone facing on him so I can get whatever it could get. I'm looking at him just talk to the other officer. They are kind of like just whispering. He didn't look as if he used the same

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type of protocol as other police officers, if that makes sense.

Like usually okay, I going back to what I saw. I'm looking at him standing here talking to the other officer, he's just standing there looking over the body, just looking like, like just a weird look. Just looking at it. He then just starts pacing back and forth next to the body, not like back and forth, like immediately back and forth, it was just kind of a slow movement while he was looking at the body. He keeps walking and looked backs at the body and then finally just walks away and just leaves. After he walks out of my video, I don't see him any more.

. Did you ever see him make like a radio call?

A Yeah, the officer on the left was the one doing this on his little walkie-talkie or something, which was connected. He was just talking, Darren Wilson was talking to him, probably explaining what was going on. He was just, he was like, I was outside at that point, but I still didn't hear him say anything, I didn't hear the exact words.

: One more question,

. Did he appear to look injured in any way,

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did you see him grab his face?

A I did not.

Like injured people do?

A Yeah, no, no, no holding of the head, no gripping the body, no having somebody else look at an injury or none of that.

Thank you.

MS. ALIZADEH: But you did see that his face was red?

A When I first was talking to the police officer, I was trying to make the distinction to him, it looked red out of anger.

MS. ALIZADEH: You said you saw his face and it looked red?

A Yeah, as he was running --

MS. ALIZADEH: You were just assuming why it was red, you don't know why it was red, you just saw his face looked red, right?

A Yes, ma'am.

MS. ALIZADEH: Obviously, you've never seen, I assume, you have never seen him before that day, correct?

A Probably not.

MS. ALIZADEH: Whether his face was naturally red --

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A Exactly.

MS. ALIZADEH: It was enough you remember seeing it?

A I tried to make the distinction, it did look red out of anger to me. He looked pissed off while he was running. He was running full speed, it could have been the wind making his skin red, it could have been anything, but I did say that it was red.

. And, yeah, we are kind of picky. But later in the interview they asked you about that, and they said it was emotion. Could it have been worry, could it have been fright. You said, yes, it could have been one of those.

A Yes, it could have been.

: It could have been. You, at this point, were you trying to tell the people that were interviewing you that you felt that it was an emotional red, but you don't recall what kind of emotion it was?

A The emotion that I picked up was anger. So she got to telling me it doesn't have to be anger, it could be. I said, you're right, it very well could be anything, but the emotion I picked up was anger.

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Thank you.

: Okay. . So you're saying you never saw him grab his face, not once?

A No.

Because he could have been hurt, right?

A Yes, not once.

MS. ALIZADEH: Could you see the officer's head in the vehicle?

A No.

MS. ALIZADEH: To clarify, you're not saying he didn't grab the officer's face, you're saying I couldn't see what was going on in the vehicle, correct?

A Exactly.

MS. ALIZADEH: Are you talking about the officer grabbing his own face?

A He's talking about the aftermath.

: I'm asking did the officer grab his face in a way to indicate he was injured in some kind of way?

A Yeah, no, I didn't see that.

MS. ALIZADEH: Okay, sorry. See how we get confused when we say he and we don't know who we

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are talking about?

MS. WHIRLEY: Is there more questions? Feel free. If not, I have a question for her. Did you have something?

A I'm sorry, I just want to make a note of something I said earlier. While I was outside filming, I didn't notice the red any more after that as I was looking. And when I was looking back on my videos, I didn't notice the red that I had originally noticed. This is another reason that I presumed it to have been anger.

MS. WHIRLEY: Okay. We've asked you a lot of questions here today. But we may not have asked the question that you wanted us to ask, something you may want us to know. Is there anything else you think it is important for us to know that maybe we didn't ask the question?

A Um --

MS. WHIRLEY: Or you like to tell us?

A Um, no, you already know everything that happened in the aftermath. How troubled people were, that's about it.

MS. WHIRLEY: Talk this way so we can hear you.

A Okay, sorry. I didn't make any, I'm

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sorry, I'm trying to think of something relevant.

MS. WHIRLEY: You don't have to, you don't have to think of anything. If you had something in your mind we wanted to hear it, but you don't have to say anything if you don't, that's fine. Thank you very much.

One last thing, did you think, did it appear to you that Michael Brown was threatening this officer?

A Not in my point of view because I couldn't see him that many times in a threatening manner toward the police officer at all.

MS. WHIRLEY: At the time that he was shot I'm referring to.

A Oh, no, no.

MS. WHIRLEY: Okay. That's all I have.

A That wasn't an issue.

MS. ALIZADEH: All right.

MS. WHIRLEY: Thank you.

(End of testimony of .)

MS. ALIZADEH: This is Kathi Alizadeh. It is October 2nd, 1:57 p.m. Present is myself and Sheila Whirley, all 12 jurors are present and we had a very brief lunch break, thank you for being brief. We have a couple witnesses that are here. Don't

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know if we'll get to both of them today. Because they're here and generally our preference is that you would hear the recorded statements first, we're just going to go ahead and put them on and play the recorded statements at a later time just so we can try to get them on and off.

So the witness we'll call is

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Could you please state your name and spell it for the court reporter?

A

Q Now, how old are you?

A

Q And did you grow up in the St. Louis area?

A I did.

Q Are you familiar with the Canfield

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Apartment Complex?

A I am.

Q Okay. Now, just so I can let you know, the court reporter has to take down everything that's being said.

A Okay.

Q And so if you talk before I stop talking, and that's almost like everybody does that, right, it is hard for him to get both down.

A Okay.

Q I'll try not to walk on you and you try not to walk on me and it will make easier for him, okay?

A Okay.

Q You don't live in the Canfield Apartment Complex; is that correct?

A Right.

Q How is it that you're familiar with the complex?

A lives in the area, in the subdivision.

Q All right. And does actually live in an apartment in Canfield Green?

A Yes, does.

Q How long has lived there?

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A Well over years.
Q Who does live with?
A .
Q ?
A Yes.
Q And so you remember the day of August 9th, correct?
A I do.
Q You married or single?
A Married.
Q What is your wife's name?
A
Q And so that was a Saturday on August 9th. Do you remember anything about the morning that was unusual or anything happening that was different in the morning?
A No, not at all, not where I live.
Q But you had plans that day to go visit ; is that correct?
A Correct.
Q And did you and go to the Canfield Green Apartment Complex?
A We did.
Q Who drove?
A I did.

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Q And what type of vehicle were you driving?
A I drive a , black.
Q And so that's an ?
A It is.
Q So when you come into the complex or at least on this day, were you coming in off of West Florissant or were you coming in from the back way through the Northwinds Apartments?
A We were coming in off of West Florissant.
Q Just you and your wife in the vehicle?
A Yes.
Q It was a sunny day?
A It was.
Q Was it around noon when you first got to the complex?
A Yes, uh-huh, about 12, 12:30, give or take.
Q And so when you entered the, West Florissant is somewhere over here and I'm referencing Grand Jury Exhibit Number 25, which is a map that shows the roads in the Canfield Green Apartment Complex, but this is Canfield right here, sir, does that help orient you to what you are looking at?
A It does.

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Q And this would have been over here is West Florissant?
A Uh-huh.
Q And as you are coming down West Florissant, this is a residential neighborhood correct?
A Right.
Q Single family homes?
A Right.
Q Do you see the building that lives in?
A I do.
Q Okay. You have a laser pointer there, they have kind of been cantankerous, sometimes you have to shake them or something. Can you point where the laser pointer?
A Right there. (indicating)
Q The building that you are talking about actually has four different units?
A Uh-huh.
Q You have the laser pointer on, if this is north, okay, so you have the laser pointer on the unit that would be on the northwest side of that building, is that fair to say?
A Correct, uh-huh.

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Q And what floor does live on?

A The second floor.

Q So when you pulled into the complex, did you notice anything unusual or that drew your attention?

A No, we just drove down the street, just normal on that day. Just pulled into the parking lot and we parked.

Q Did you see any guys walking on the street when you pulled in?

A Um, after we parked, yes, because once I parked we, my wife had made a comment because I saw the police officer's truck driving this way up Canfield.

Q So you're coming in, going east on Canfield, you saw a police officer's truck coming west?

A Yes.

Q So toward you?

A Right.

Q All right. Now, at this point had you seen any kids or when I say kids, I mean, like older teenagers or walking the street?

A No, not at that point. I mean, because I think it was after we probably, right as we parked

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and maybe I might have passed them coming into the neighborhood and never did pay any attention.

Q Okay. So now when you came down Canfield Drive, did you pass the police vehicle before you turned into the parking area?

A No, we had actually had parked the car and then we came past, right as we were getting out of the vehicle because my wife had just made a statement that we had just got off 70 and we saw another Florissant police SUV, and we was like is that the same truck? And he drove right past and --

Q No lights on?

A No.

Q Was he going like he was going to a call or something?

A No.

Q Speeding?

A No, he was driving the speed limit down the street.

Q Leisurely?

A Uh-huh.

Q Did you have your windows opened or closed?

A My windows were closed because it was hot that day and we had the air on.

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Q Okay. So now when you are pulling into Canfield on Canfield Drive, do you pull in on this street here?
A Right, uh-huh.
Q Are there parking spaces that are along this edge of the building?
A There are.
Q Is that where you parked?
A Yes.
Q And we've seen pictures of the buildings and everything, these are buildings that you walk up a staircase that's outside of the building to get to the upper floors, correct?
A Correct.
Q So did you notice anything when you, were you carrying anything in your hands when you got out of the car?
A No.
Q No groceries, you didn't have anything that you were getting out of the car?
A No.
Q So what's the first thing as you were getting out of the car and proceeding to the staircase, did anything draw your attention?
A Yes, like I say, me and my wife was going

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up the steps and then we turned and looked back down Canfield because we saw the officer's truck going down the street. And he stopped in the middle of the street somewhere around, let me see here, around here he stopped his truck around this section right here. (indicating)

Q Okay. Did you actually see him stop his truck?

A Yes, I did.

Q And what happened, what did you see?

A He stopped his truck and then I saw the two gentlemen walking down the street. At that point, I don't know if he said something to them, I guess, or they said something to the officer, and then they kept walking.

Q So now did you hear anything being said?

A No, no.

Q So you are just kind of assuming?

A Right, because he stopped, he stopped his truck and he, I guess he said something to them because they stopped and started talking with him for a brief moment.

Q Okay. So the two guys on foot stopped walking as they were next to the police truck for briefly?

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A Right.
Q And then they keep walking?
A Right.
Q The same direction they had been?
A Correct.
Q And so did they come from, were they walking east then on Canfield?
A Yes, I'm sorry.
Q And the officer was going west on Canfield, correct? His truck was going in this direction, correct?
A Correct.
Q And so was it about in this area that you saw him first make contact with them?
A Correct.
Q All right. How long, how many minutes or seconds?
A It was about 15 seconds, maybe 20 seconds at the most.
Q Okay. And then when you see the boys start walking again, does the vehicle move any more?
A Yes.
Q What does it do?
A He in turn, as he's talking to the gentlemen, there was another white vehicle pulled up

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behind him and when the gentlemen started walking down the street, he in turn threw his truck in reverse and pulled it like he was trying to block their way of going back down Canfield.

Q Okay.

A In a way to where he is now facing like towards going up West Florissant at an angle in the middle of the street. So he was kind of like impeding their walkway down the street.

Q Okay. And when he did that, did he block their forward motion?

A Somewhat, yes.

Q What happened then?

A From that point I turned around and I told my wife they're down there struggling. I mean, they're down there fighting or something. And I couldn't tell exactly what was transpiring because the truck, I was on this side of the struck looking at what's going on.

So I couldn't see exactly if the gentleman reached inside his truck or the officer reached and grabbed him or whatever, but the other gentleman he stood down, he ran somewhere.

There was a white car that was behind him. I don't know what happened with the white car,

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but then he took off, something happened, I heard a gunshot go off inside the struck.

Q Okay. Let me stop you. So are you still outside of the apartment?

A I am.

Q Are you going up the stairs?

A I'm standing on the porch.

Q So on the third floor?

A No, on the second.

Q Second floor, okay. And so from your vantage point here, you're looking down here?

A Correct.

Q Now, when the officer angled his car?

A Uh-huh.

Q When he went in reverse and angled his car is his car between the boys and you?

A Yes.

Q Okay. So can you, so the car is blocking your view of --

A Of the driver's side.

Q The driver, okay. So you can see the back of the vehicle?

A I can see the passenger side of the vehicle and the back of the truck.

Q And so you can't tell what was going on,

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could you see the truck moving or anything?
A No.
Q Was it rocking or anything that you know?
A I couldn't tell you.
Q What made you think there was a struggle going on?
A Because you could see, I mean, I could see them going back and forth. I mean, I'm standing on the porch at an angle looking down.
Q Okay.
A So I could see something going on, but I can't tell whether or not if he, again, who grabbed who or what have you, I don't know because like I said, the truck was, it happened on the driver's side of the vehicle.
Q Okay. Who was engaged in the struggle, you said there was two boys or gentlemen walking and then the officer that was driving, who among those three were engaged?
A Mr. Brown and the police officer.
Q Okay. Now, did you know Mr. Brown before this day?
A No.
Q But he's the gentleman that was shot and is deceased, correct?

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A Yes.

Q And when you saw the two boys, did you recognize Mr. Brown?

A No.

Q Okay. Haven't seen him in the complex or anything?

A No.

Q Would you describe him as pretty big guy, tall?

A Yes, from what I saw.

Q And compared to like the other kid he was with, Michael Brown was substantially taller; is that right?

A Yes.

Q He was the one that was at the vehicle struggling with the officer?

A Yes.

Q And then what happened then, you heard a gunshot?

A I heard a gunshot, and about another 20 seconds later, I heard another gunshot go off, or maybe 15 seconds another shot goes off.

Q Okay. Let me stop you. When you heard the first gunshot what, if anything, does Michael Brown do at the vehicle?

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A He was still, they were still standing at the door at the window of the vehicle. They were still, I guess, struggling or going back and forth, I don't know.

Q Okay. And then a few seconds go by?

A Uh-huh.

Q And then you heard another gunshot?

A Another second gunshot.

Q What, if anything, did he do after the second?

A He took off running.

Q Which direction did he run?

A He started running down Canfield this direction.

Q Was he running in the street?

A Yes.

Q Or on the sidewalk or the street?

A He was running in the street.

Q Now, at this point are you still on the porch?

A I am.

Q Did you ever go inside s?

A Yes, I did. I stepped inside the door when the first, the first gunshot went off, my family, they ran inside the door and then we came

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back outside. Because we didn't hear any more shooting, to see what was going on.

Q So let me get this straight, were you inside or outside when the first gunshot went off?

A We were outside when the first gunshot went off.

Q Were you inside or outside when the second gunshot --

A We were inside when the second gunshot went off.

Q Okay. So you run inside, were you fearful because the gunshots were going off?

A Correct.

Q And then you said he took off, meaning Michael Brown took off and started running down Canfield. Were you observing that from the inside of 's apartment or did you come back outside?

A I came back outside.

Q What did you see then as you saw Michael Brown running down Canfield?

A So I saw Mr. Brown running down the street, he ran down the street from the police officer. He stopped right here at this driveway right here and he turned around in the entrance of

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the driveway about right there on the corner of the driveway.

And he looked down at his hand or at his side, and at that point, the police officer had got out of his vehicle and was pursuing Mr. Brown down the street.

Mr. Brown turned around and was walking back towards the police officer, I guess, they were like 20 meters maybe, 10 meters apart and Mr. Brown had his hands to his sides by his waist up and mister, the officer shot and he shot like six times.

Q Okay. So let me back up. You say as he ran down the street, he stops, meaning Michael Brown?

A Right.

Q And when he stops, is his back to the officer when he stops?

A No.

Q So does he run backwards?

A No, I'm sorry, yes. If he was running, yes, he was running down with his back towards the police officer, yes.

Q Okay. And so you said when he stops, he looks down and looks like he is looking at something

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or his hands or body or something?

A Right, like he's looking at his hand.

Q Do you recall which hand or both hands?

A If I'm standing on the corner right there where it was, I guess it would have been his left palm.

Q Okay. So everybody can see you since you are seated, do you mind standing up and doing that motion?

A Right. Standing on that corner, like he looked down at his palm, still like looked like this at his palm or something, he looked down.

Q Okay.

A At that point he turned around and started walking back towards the middle of the street and had his hands like this, walking towards the middle of the street.

At that point the police officer was, had already stopped, had his gun drawn and Mr. Brown was walking towards him with his hands like this and he fired. He fired one shot and Mr. Brown took a couple steps and he fired like two or three or four more shots. (indicating)

Q Okay.

A That's when he fell, he fell in the middle

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of the street.

Q Okay. After the two gunshots that you heard from inside the vehicle what we are assuming, do you think that happened when the officer was still in the vehicle?

A I would assume because I didn't see him out of the vehicle.

Q You saw the first gunshot or you saw, you were outside and looking when the first gunshot went off, but you were inside when the second gunshot went off?

A Correct.

Q Were you looking when the second gunshot went off?

A We were looking out the window.

Q Okay. So was the officer still in the car for the second gunshot?

A Yes, he was.

Q And then Michael Brown takes off running after the second gunshot?

A Uh-huh.

Q And the officer, does he get out of the car?

A He does.

Q And does he run or walk after him?

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A He is running.
Q How is he running?
A In like a haste to try to catch him.
Q Do you see his gun?
A I don't believe I did.
Q Okay. So as he gets to about 20 meters?
A Uh-huh.
Q From Mr. Brown is when Mr. Brown turns around?
A Right, and that's when he had his gun drawn.
Q So when you say his gun drawn, the officer's gun?
A Yes.
Q Never saw a gun on Michael Brown, correct?
A No.
Q How was he holding the gun when you saw him with his gun drawn?
A He was in a stance and was holding it like this. (indicating)
Q Okay. And could you hear anybody saying anything?
A No.
Q Didn't hear the officer giving commands?
A From where I was standing on 's

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porch right here and they were, let's see, about right here, no, I couldn't hear exactly what they were saying, but I could see what was transpiring in front of me.

Q Okay. And so then, was your brother next to you or with you when this was -- when you were watching this?

A It was my brother, my wife and standing on the porch.

Q Altogether?

A Yes.

Q Okay. And so when you say you saw Mike Brown turn around, then would his back be towards you?

A Catty-corner, sideways because like I mentioned, from where he is standing in the driveway, like his side is facing me looking up from here and he's standing at an angle at the driveway looking like this and he looks down to his side and then he starts, the way he was turned, he was turned as though he was facing this way.

Q Okay.

A Going off the street so that's the angle that I had. So when he walked out in the middle of the street with his hands up to his sides, that's

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when, you know, he took a couple steps and the officer fired.

And me and my wife were like, why is he walking. And he took a couple more steps and the cop, the officer fired like four more shots and that's when he fell.

Q So from the time of the first gunshots in the car until Michael Brown turns around to face the officer, did you hear or see the officer shooting his gun as Michael Brown is running away?

A No.

Q Okay. And so once he turns around, and you said he stopped and he is looking and then he turns around and his hands go into this position? (indicating)

A Yeah, like this. (indicating)

Q So out to his sides, palms facing forward?

A Right.

Q And then he began to move towards the officer?

A Correct.

Q Was the officer still moving?

A He was in a stance, no, he was standing like this facing Mr. Brown.

Q Okay. As Mr. Brown started walking or

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moving toward the officer, did you say he was walking?

A Yes.

Q Was it in a, I mean, casual walk or was it hurried or do you have any description of it?

A It would be speculation for me to say because I don't know Mr. Brown, I don't know how he walks. I just know he took steps towards the police officer.

Q Okay. But he wasn't running?

A No.

Q He wasn't charging?

A No.

Q Was his body upright at that point?

A It was.

Q And so when he walks towards the officer, did the officer move backwards or forward or to the side?

A From what I could tell he stood still.

Q How about Michael Brown. From the time he ran and stopped and turned around and started in the opposite direction, does he ever, is he always in the street or does he move off the street at some point?

A Well, I mean, again when he ran down the

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street, he got to right at the edge of the driveway, which is right here. So this is like a water fountain or a fire hydrant or street sign, right there at the corner --

Q Okay.

A -- of the driveway. He stopped right there at the edge of the driveway and then he turned, he turned around, like I mentioned, he stopped, looked at his palm and then he started walking back towards the police officer.

Q From the time he stopped and turned around, and I'm going to ask you to estimate a distance, from where he stopped and turned around until his body came to rest in the street.

A Uh-huh.

Q Can you give my an idea how many feet that was?

A From the sidewalk to the middle of the street, about five, maybe five, 10 yards maybe.

Q Okay. Did you ever see Michael Brown doing anything with his hands around the front of his body?

A No.

Q And so when you're looking at him from your vantage point, you're seeing the left side of

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his body, correct?

A Correct.

Q Could you clearly see his right hand?

A Yeah, I mean, when he's walking back across the street, he's walking like this. (indicating)

Q Okay.

A He had both his hands like this. (indicating)

Q You didn't see him ever reaching or make a motion toward his waistband?

A No.

Q And then you said there was a round of shots, you said maybe six shots?

A Yes, four to six shots I heard, yes.

Q Okay. And then did you see if Michael Brown was hit, could you tell if he was hit?

A I couldn't, I mean, again, like I mentioned, when the first shot went off, well, the third shot went off when Mike started walking back across the street and he shot. And like I mentioned, me and my wife made the comment, why is he still walking, why is he walking, is he missing him? And then he took like three more steps and he fired like another five, four, five rounds, and

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that's when he staggered and he fell where he laid in the middle of the street.

Q Okay. And where, can you point on the pointer where he ended up laying in the middle of the street?

A About right here. (indicating)

Q Okay. And now, did you remain at s while the aftermath was going on?

A I did.

Q Did you ever see the officer approach Michael Brown after he went down on the ground?

A He walked over to him and then he turned around and he went back and that's when another police officer, I guess the other police officer started coming into the neighborhood.

Q Did you ever see the officer who did the shooting, did you ever see him on a walkie-talkie or on a radio that was on his shoulder or anything?

A Not that I can remember.

Q And did you ever see anybody, I mean, I know that Michael Brown's body was out on the street for several hours, but did you ever see anybody move his body from one location to another location?

A No.

Q Did you ever see the car that the officer

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had stopped in, where the altercation initially took place, did you ever see that moved?

A Not that I remember, not that I remember because I think me and my wife, we stayed there about another 35 to 45 minutes after everything happened. And when all the police and everything came down, they taped off the street and everything and, um, then we left, we left.

Q Now, when is it that you were first contacted or first contacted the police?

A I was contacted that evening, that night by a County Police officer.

Q Were you still at Canfield?

A No.

Q How is it that they knew to contact you, do you have any idea?

A My wife had mentioned to and we went, it was actually the night We were at a and there was a gentleman there, I have his card, I can't think of his name right now. But he is an attorney or something for the city or something, but he asked, they were talking about it at the table where we were and he asked us if we didn't mind speaking with a police officer regarding

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it.

And then I said I really didn't want to get involved in this because I hate I saw what I did. He got on the phone and he called two detectives and they came out that evening about 11:00. And me and told him, kind of somewhat mentioned our story and I gave him my name and address, and he came out and got in contact with us at a later date.

Q So you talked to the officers late in the evening that first day?

A Yes.

Q And then you talked to them again and gave a different, not different, gave a more detailed interview later; is that correct?

A Correct, right.

Q The more detailed interview, were there also FBI agents present?

A When they came and talked to me, no, it was just the two detectives.

Q Okay.

A They came and spoke to me. And then a few nights later, they came back, along with a few other attorneys and another FBI agent, they came and spoke with my wife .

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Q Okay. Is there anything that you recall about what you saw that day that is important or you think that the jurors should know about?

A (Shakes head.)

Q you are shaking your head no?

A No.

Q How is your eyesight?

A Good.

Q Do you where wear glasses?

A I do for reading.

Q Okay. So distance, you have no difficulty seeing?

A No.

Q How about your hearing?

A My hearing is good.

Q Good.

A Uh-huh.

Q All right.

MS. ALIZADEH: Sheila, do you have any questions?

Q (By Ms. Whirley) When Michael Brown was walking towards the officer, when he first turned around, he started walking, let me make sure I understand. When he first turned around was there a shooting, was he shot then or was he thought when he

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started walking towards --

A When he started walking back towards the police officer.

Q You couldn't hear anything that was being said?

A I couldn't hear, no.

Q So as he's walking towards the officer, he said he wasn't like running or charging at him?

A Right.

Q Did it seem like he was walking towards the officer to fight, did you get that impression?

A No.

Q Did you get the impression that he was threatening the officer as he walked toward him?

A No.

Q What was your impression of the way he walked toward him?

A Again, like I say, it is hard for me to speculate how Mr. Brown walked because I don't know him.

Q Right --

A I don't know how he's walking, he was just walking, I guess, in a normal pace towards the police officer, that's what I'm saying.

Q I guess what I'm asking is, demeanor, you

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know how a person, their outward, like if I'm, you know, I'm walking like this, you know?

A I guess he was walking in a demeanor as I give up.

Q That was your impression?

A Yeah.

Q Okay.

MS. WHIRLEY: That's all I have.

MS. ALIZADEH: Just really quickly.

Q (By Ms. Alizadeh) From the time you first saw Michael Brown at the officer's window until Michael Brown was lying in the street, how many minutes or seconds do you think that took?

A I would say probably about five, five minutes, ten minutes at the max, if that. I don't probably like, I'm sorry, it was probably more like probably like five minutes at the max.

MS. ALIZADEH: Okay.

MS. WHIRLEY: Real quickly.

Q (By Ms. Whirley) When Michael Brown was running away from the officer, I think you said you heard maybe a couple shots and then Michael Brown ran?

A Correct.

Q I'm sorry; is that correct?

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A Correct.

Q Did you hear any shooting while he was running?

A No.

Q Okay. The next time you heard shots was when he turned around?

A Correct.

Q With his hands the way you demonstrated?

A Correct.

MS. WHIRLEY: Okay. Anybody else? When he was walking towards the officer, could you see his face clear enough to see if there was any kind of expression, a blank look, aggressive look or anything?

A No, I could not.

: You could not read his face?

A I could not.

Okay. From the time that this happened until the time that you said

A Uh-huh.

: Is that where, the

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attendee where the city attorney made contact with you there?

A Uh-huh.

From the time of the incident on August the 9th until the time that you spoke to the police or whatever.

A Uh-huh.

: Do you know what length of time elapsed?

A Yes, this happened about, I guess, about 12:30, 12:40 that afternoon. I didn't speak with anybody until later that night, yes.

: It was the same day?

A It was the same day, yes, ma'am.

: Okay, thank you.

MS. ALIZADEH: But just to be, I'm going to try to make sure I understand. Were you interviewed that night or was it just you spoke to them and said, hey, I saw this and made arrangements to be interviewed later?

A That's exactly, that's what happened. We made arrangements to interview later because, again, we were at and the, he didn't want to really get into that because my wife was still kind of emotional. He didn't want to talk

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about it.

So they took our name and our phone number and they contacted us at a later date. I think it was like two days or a day later. They came by my home and spoke with me regarding it.

: Could you tell Mr. Brown, I guess his attire, his shorts and shirt, where they sagging, were his pants kind of hanging low or do you remember?

A I don't remember, I don't remember.

: Okay. Did it seem to you when he turned around, did it ever appear to you that he reached up under his shirt?

A No.

MS. ALIZADEH: Anyone else have any more questions?

(End of the testimony of .)

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State of Missouri
SS.
County of St. Louis

I, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to

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and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.

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COURT MEMO

State of Missouri vs. Darren Wilson

CERTIFICATE OF OFFICER AND
STATEMENT OF DEPOSITION CHARGES

DEPOSITION OF Grand Jury, Volume IX

10/2/2014

Name and address of person or firm having custody of the original transcript:

St. Louis County Prosecuting Attorney's Office
100 S. Central Ave.
Clayton, MO 63105

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STATEMENT OF DEPOSITION CHARGES

Commission expires

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Notary Public

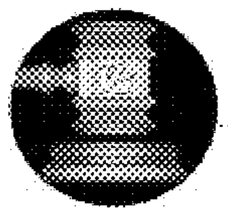
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Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume X

Date: October 6, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 6, 2014

VOLUME X

Electronically signed by 5034a60e-6c14-4444-b892-e7b456d8296e

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 6th day of October, 2014, before

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APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

Assistant Prosecuting Attorneys for St. Louis County

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

(314) 615-2600

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GRAND JURY HEARING VOLUME X

MS. ALIZADEH: Good morning.

(Everyone says good morning.)

MS. ALIZADEH: It is October 6th. This is Kathi Alizadeh with the prosecutor's office. Present is Sheila Whirley with the prosecutor's office. All 12 grand jurors are present here today, as well as , the stenographer, who is taking down and recording matters that are going on today in the grand jury.

It is about 8:39 a.m., and my understanding is we are going to go to about 2:30 today, correct? We have a witness that's here already this morning. Her name is . We heard from her husband, , last week.

She wanted to come in first thing in the morning, so we're going to go ahead and have her testify first, and after her testimony, we will listen to the statement of and . We didn't get a chance to do that last week.

I have a witness scheduled to be here at 1:00 this afternoon. So her name is and she is the fiancee, or girlfriend, I can't

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remember, of . If you recall, has already testified.

So we'll probably listen to her statement in the morning if we have time. We probably should, and then at this point, we might be done for the day after testifies.

Sheila and I have been talking about trying to schedule your time and make use of your time as best we can. We're running into the issue now that some of these witnesses are not very anxious to come in and meet with you. And so we're going to probably need to be searching for some people and giving them written invitations to appear before you.

So I'm trying desperately to get your day scheduled tomorrow, so I know you are here until 6:00. We want to be able to keep you busy all day.

And then we've got, I've got some witnesses lined up, and then on Thursday we have witnesses lined up too, but as of right now, I don't have necessarily the whole day filled. So we'll try our best. And it may be that we go ahead and call some other witnesses.

We have lab people, we have police officers yet to testify who, obviously, would be

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easier for us to get here if we need them here.

So, at this point then, we're ready to go. We're going to go ahead and call , of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Good morning, . Can you state your name for the reporter and spell it for the court reporter?

A ,
. ,

Q And, , you're married to is that correct?

A Yes.

Q And how long have you and been married?

A years.

Q And are you, you're familiar with 's family?

A Yes.

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Q Is that correct?
A Uh-huh.
Q You know his brother, ?
A That's my brother-in-law.
Q Your brother-in-law, and then lives is that correct?
A Correct.
Q And they live in Canfield Green Apartment Complex, correct?
A Correct.
Q And how long has lived in the Canfield Green Apartments?
A Um, I'm going to say maybe years. I'm not quite sure. was living there when and I married and met, so we've been actually years, together I'm quite sure years.
Q So as long as you've known ?
A As long as I've known .
Q been there?
A Yes.
Q Has been living with all that time as well?
A Yes, off and on.
Q Off and on. And so do you recall

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Saturday, August 9th, of this year?

A Yes.

Q And in the morning, did anything happen that was noteworthy, was there anything special about the morning prior to you going to the apartment?

A Actually, that was

Q Okay.

A So we went down there before we were preparing to go to the because I wanted to show what I got to wear to the class reunion.

Q Ma'am, the microphone that's in front of you doesn't amplify so you need to speak loud enough so that we can all hear you all the way back here. And please raise your hands if you can't hear her. Did you need her to repeat the last answer she gave anyone? Okay.

So, you were going, you had a plan then that day to go to apartment in the afternoon; is that correct?

A Uh-huh.

Q And so you proceeded to the apartment

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complex, about what time did you get there to the apartments?

A It was before noon, about maybe 11:30, 11:45, somewhere along in there, I'm not quite sure of the exact time.

Q And who was in the car with you?

A My husband and I.

Q What kind of vehicle were you in?

A I have a , .

Q Who was driving?

A My husband.

Q So when you came into the complex, did you enter the complex off of West Florissant or did you come in the back way through the Northwinds Apartments?

A Off of West Florissant.

Q Okay. So from West Florissant then you turn onto Canfield Drive and go through a residential area before getting to the complex; is that correct?

A Correct, uh-huh.

Q And so we've got a map here that's marked as Grand Jury Exhibit Number 25. And right here, is a laser pointer so you don't have to get up and point. You just press that button,

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hopefully, and that will work.

So do you recognize the map here as familiar to you, the streets and the buildings as far as that being Canfield Green?

A Yeah, pretty much.

Q Okay. If West Florissant is in this direction?

A Uh-huh.

Q So you entered coming down this curve; is that right?

A Correct.

Q Now, this was a Saturday, sunny day, did you see people out and about?

A Um, yeah, I mean, not a lot of people, but the victim, as we came in off of Canfield, he and the other young man were walking in the street. And I said something to my husband in effect, why don't they just get on the sidewalk.

Q Okay. So when you were driving now, this direction is east, okay?

A Uh-huh.

Q That's going east. So you were going east on Canfield Drive?

A Uh-huh.

Q Can you use the laser pointer and show me

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where you first saw the two men that were walking in the street, where were they when you first saw them?

A Right about right here. (indicating)

Q Okay. So as you came around the curve, you could see them walking in the street?

A Uh-huh.

Q Just the two of them?

A Yes.

Q And when you say they were in the street, were they on the side, in the middle?

A In the middle.

Q Okay. And so did you recognize either of those?

A No, just two kids.

Q Two kids. Now, of course, we now know that one of those kids was Michael Brown. Having now known his identity, do you recall ever having met him?

A No.

Q Or seen him at the apartments?

A No, we don't frequent Canfield. I mean, we go to visit or to take to where needs to go. I don't know anybody in Canfield except for

Q You don't socialize with people from the

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complex?

A No.

Q And so then the other boy was Dorian Johnson. That name doesn't ring a bell to you?

A No, it does not.

Q Okay. So when you first saw them and in this area where you had pointed, which direction were they walking, were they walking east?

A Yes.

Q And --

A Into the complex.

Q Okay. So as you approach them, you saw their backs?

A The back view of them, correct.

Q And so did you, I imagine you had to go around them or you went around them, correct?

A Uh-huh.

Q Did you honk at them or , not

A

Q Roll down the window and say anything to them?

A No.

Q Did they just appear to be walking?

A They was just walking, I mean, they were

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doing what kids do. I mean, I live in , so kids don't walk on the sidewalk, they just don't. They have sidewalks but they don't walk on them.

So, I mean, we just kind of chalked it up as them being kids not doing what they're supposed to be doing, I mean, they just do it.

Q Did you notice either of them if they had anything in their hands?

A No, I don't recall.

Q Do you remember what either of them was wearing?

A Um, I'm going to say the victim had on a white T-shirt and khakis. The other young man had on a white T-shirt, I believe, and black pants or black jeans or something.

Q Okay. So the other one is the smaller one, I guess?

A Yes.

Q We'll call the victim, I know you know who eventually was shot is the bigger one, correct?

A Correct, uh-huh.

Q And there was the smaller one?

A Smaller kid, yes.

Q So you said the smaller one had on a black shirt and dark pants?

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A Dark pants, yeah, or dark jeans or something.

Q Okay. Anything else that you noticed about them that drew your attention?

A No, I mean, like I said, it was a Saturday morning, I mean. They was just walking in the street and I made a note to my husband, why don't they just get on the sidewalk, and that was pretty much it. He didn't say anything, I didn't say anything, we didn't blow, he just kind of went around and did what we needed to do.

Q Okay. Were they walking shoulder to shoulder or one in front of the other, do you remember?

A I mean, I guess side by side, you could say. I mean, just, I mean, when you see kids walking and there was only two of them, so it wasn't like it was a group of children, they were just walking down the street.

Q Okay. So after you pass by them, did you proceed to s apartment building?

A Uh-huh.

Q Can you use the laser pointer and show on the map, do you see where apartment is?

A Is this Caddiefield?

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Q This is Caddiefield Road, this is also Caddiefield Road because it goes around like that.

A Can I stand? This is hard for me to do because it's peripheral vision, I'm not used to looking at.

Q Correct, I understand. Do you know the number of unit?

A I think it is this one right here.

Q Okay. So when you proceeded down Canfield Drive, you turned on Caddiefield, did you park in a parking space?

A Right here. This is building, I believe, and would have parked right in here. (indicating)

Q Okay. Now, did you have, do you recall if your windows were up or down?

A That I don't remember. It was hot, I imagine that the air was on. It was hot that day.

Q Okay.

A So the windows were more than likely up.

Q As you drove down Canfield Drive, did you see any vehicles approaching you?

A No.

Q In your direction?

A Huh-uh.

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Q And so did you, after you parked your car, what's the first thing you noticed going on around here?

A Well, once we were going up the steps, the police car came down going towards West Florissant, and I said to my husband, oh, he's going to stop them and tell them to get on the sidewalk.

Um, and we just kind of proceeded up the steps.

Q Now, earlier you had pointed to this one.

A See, I'm not used to looking at these. So once we got on the landing, the police officer had stopped and said something to them.

Q Now, could you hear what he said?

A No, I'm assuming, I'm not going to say he said, but from the activities that we saw from the porch, he stopped and the kids, the children stopped. I don't know what he said, I didn't hear that, we were too far away to hear. I'm just assuming that he said the same thing I had said to my husband, get on the sidewalk.

Q So now you, the stairs that go up to the apartment unit, those are exterior stairs, correct?

A Correct.

Q So you're going up the stairs and you're

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still outside and you can see what's going on?

A Uh-huh.

Q What floor did live on?

A There is only three floors. There is the basement and that would be the first floor and then the second floor, or you can say the second floor and then the third.

Q on the top level?

A No, on the second. Well, there is a basement apartment and then apartment. So on, I guess you could say second floor, I don't know how they classify the floors.

Q So there's a unit above ?

A Above , right.

Q All right. So when you're on the porch, this is like a decking area that's right off the front door for unit?

A Uh-huh, a little patio out there.

Q And was out there?

A When we walked up the steps?

Q Yes.

A No, he was inside the apartment.

Q So now you said, can you use the laser pointer and show me when you say you saw the officer stop and talk to the kids, where about were they

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when you saw that?

A About right here. (indicating)

Q Okay. And so you see the officer stop?

A Uh-huh.

Q Give me an idea, were we talking a matter of seconds or a minute or two that he paused and there was some kind of exchange between those kids?

A It may have been maybe a minute.

Q And then what happened, what did you see happen?

A He said whatever he said, then we heard two gunshots. He was still in the car, the boys were outside of the car. Well, before we heard the gunshots, I don't know what he said or what they said or what the conversation was, but the car was headed west on Caddiefield, on Canfield, and he, I guess, backed the car up and was at an angle.

Q Let me ask you this. The time when he paused that you thought that he might have been saying, hey, get on the sidewalk, or what you assumed he might have said, was that after he backed up?

A No, it was before.

Q Okay. So he stops, pauses for a little bit, and then does the vehicle proceed west on

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Canfield then a little ways?

A Yes, uh-huh.

Q And do the boys, what do the boys do?

A They just were kind of standing there, and, like I said, it happened really fast, but the car was headed east, and then whatever conversation they had, the officer backed the car back, but it was at an angle and that's when we heard two gunshots inside the vehicle.

Q Okay. So when the officer, I think you said east, but you meant west, right?

A I'm sorry.

Q He's going westbound and then he puts it in reverse, backs up, and he's at a little bit of an angle in the street?

A Yes.

Q Did you hear tires squealing or screeching or anything?

A No, it wasn't like it was a chase or anything. I mean, he just, I mean, I don't know what happened, they exchanged words, I'm quite sure, and, you know, you just, I think he kind of whipped the car in reverse so it was at an angle.

Q Okay.

A Not a full complete angle, it was no

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longer straight.

Q When the first time the officer encountered the boys, were the boys on the driver's side of his car or on the passenger side?

A All the way on the driver's side.

Q When he reversed it around to where it was at an angle, are the boys still on the driver's side?

A Still on the driver's side.

Q So from your vantage point where you were standing, are you looking at the driver's side of the car or the passenger side?

A Driver's side. Well, at the driver's side. We were on that side of the vehicle, I couldn't see what was on the other side of the car.

Q Okay. So then after he comes back, reverses and stops his car at an angle, what do you see happen between the boys and the police officer?

A I didn't see, I just didn't see anything actually happen. We just kind of heard the two gunshots and I told my husband, oh, no, he's shooting, they're shooting.

Q At this point did you know who was shooting?

A No.

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Q Okay. So you hear two gunshots?

A Uh-huh.

Q Were they in close succession like boom, boom, or was there a pause between the two of them?

A Well, more like a pop, pop.

Q Okay. And so did your attention, was your attention always on the car or were you --

A No, I mean, it was just, like I said, we were walking up the steps and then all of the sudden the car was coming down the street, the kids were coming down the street, and I assume that he did what we probably should have said and told them to get out of street and go on the sidewalk.

I don't know what was said, I'm just assuming.

Q Okay. So after you hear the two gunshots.

A Uh-huh.

Q What do you see happening at the officer's car?

A That's when the victim started running away from the car and the person that was with him, he kind of disappeared. I don't know where, when the two gunshots went off, he kind of hunched and then he just disappeared.

The victim kind of, when he came from

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on the driver's side, he kind of hid on the back side of the car and that's when he ran, I'm hoping I'm saying this right, there is a grassy area, he kind of ran over this way, he kind of ran this way.

Q Okay. So he's running now east down Canfield?

A Yes, ma'am.

Q And can you tell at this point if he's injured?

A Well, he ran this way and then he kind of got into the grassy area and he kind of stopped and looked down at his hands. I'm assuming there was blood, but he looked down at his hands and then he turned back around, he turned back around and started going back towards the police officer.

Q Okay. Let's stop now.

After you saw, you heard the two gunshots, the victim starts running east on Canfield, the other guy kind of disappears?

A Uh-huh.

Q What's the officer do?

A Well, by that time he's out of the car and he's kind of, I guess, chasing the victim.

Q Okay. Now I'm going to stop you here because you said I guess, chasing?

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A He got out of the car.
Q You saw him get out?
A I'm sorry.
Q It's all right. We make these assumptions all the time, you know, that's what we do when we observe things. Oh, it looks like he was doing this. But what is important is, you talk about what you saw.

So the officer gets out of his vehicle. I guess, I'm assuming, from the driver's side?
A Yes, from the driver's side.
Q And so at that point, could you see if he had a gun?
A Yes, he had his gun.
Q And could you see what he was doing with the gun or where his gun was?
A When he got out of the vehicle, he did get out with his gun drawn.
Q Okay.
A And as I said, the victim, he ran towards this grassy area, he stopped and he looked down at his hands and then he proceeded to come back towards the officer.

By the time the officer was out of

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his car, I'm going to say he was running with his gun drawn.

Q Okay. When you say his gun drawn, I'm going to --

A I could see the gun.

Q That's out of the holster is what it means to me?

A Correct.

Q But there's, was it down at his side, was he running like this? (indicating)

A No.

Q Was running like this? (indicating)

A He had both his hands on the gun.

Q Okay.

A And he was running swiftly or walking fast towards the victim.

Q Okay. And so did you ever observe or hear the officer firing, as he was running after the victim?

A Yes, he did.

Q How many shots did you hear as he was moving towards the victim?

A I'm going to say he fired maybe three to four shots as they were, I guess, walking kind of towards each other.

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Q Okay. Now, let me stop you then. There is a lot going on in here and, obviously, you know, I hate to say that we have to pick this apart, but we really do.

So as you see him, he's got his gun drawn and he has both hands on it and it's pointed out in front of him, you demonstrated kind of out with your arms straight in front of you and he's moving towards the victim.

A Uh-huh.

Q The victim, you said, stops in this area here, kind of in the grassy area, so he's not on the street any more?

A No.

Q And then he stops and you said that he looks at his hands?

A Uh-huh.

Q Can you stand up and show the grand jurors, because I know you made a motion a couple of times. Show them what he looked like.

A He looked down like this and, I think, I'm going to say it was his right hand, he looked at his hand and then he started walking back towards the police officer. (indicating)

Q Okay. So from your vantage point if he's

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over here, when he stops, he's somewhat facing your direction, would that be fair to say?

A He was running and he stopped, he looked down and he turned around like this.

Q Could you see anything in his hands?

A No.

Q Okay. So you can go ahead and sit. So did the officer fire his weapon at any time other than in the car, did he fire his weapon before the victim turned around?

A No.

Q Okay. So the victim stops, looks down at his hands?

A Uh-huh.

Q And then turns around. At this point, does the officer fire?

A Yes. Well, he turned around like this and he started moving towards the cop.

Q Okay.

A And then he is standing there, and he just proceeded to shoot.

Q Could you hear either the officer or the victim say anything?

A No, ma'am.

Q So when you saw Mike, well, the victim,

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when you saw him move toward the officer, can you describe his pace, do you understand what I mean by that?

A Uh-huh.

Q Okay.

A I mean, he wasn't running, he just, to me it was slow motion, so he turned around, looked down at his hands.

Q Let me ask you some questions just to help you out through this, okay.

So from the time the victim turns around, is the officer still moving toward him or has the officer stopped?

A He stopped.

Q He'd stopped?

A Uh-huh.

Q Are you good at guessing or judging distances?

A Not really.

Q All right. So let me ask you this --

A He was not this close to him.

Q This is too close?

A Yes.

Q All right. Tell me when you think.

A About right there.

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Q Okay. So what do you want to guess that to be 20 feet, close to 20 feet. And so after the victim stops and turns around, when he moves in the direction toward the officer, does the officer move?

A Not really, no.

Q Okay. So he stays basically in the spot where he had stopped?

A Uh-huh.

Q And how close then does the victim get to the officer?

A He just kept walking.

Q What were his hands doing as he's walking?

A I'm sorry. He is walking like this and he kept walking, and I asked my husband, why won't he stop.

Q Were you or your husband or anyone else that you can hear yelling anything, that you recall, saying to your husband, why won't he stop?

A Why won't he stop. I asked why does he keep shooting him.

Q So I can be clear about this, the officer did not shoot at him while he was running away from him?

A No, ma'am.

Q He turns around and starts walking back to

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the officer, is that when the officer starts shooting?

A He just, I mean, he was walking back towards him and he started, he started shooting. He just kept shooting, he just kept shooting. And I asked my husband why is he, why won't that boy stop.

Q Do you recall hearing the gunshots in your mind, can you hear them?

A (Nods head.)

Q Was there just one succession of gunshots or were there shots, then a pause and then more shots?

A He shot like maybe three or four times, and he stopped. And then he just started shooting again.

Q When he shot three or four times, did Michael Brown go down to the ground at that point?

A No.

Q He was still standing?

A And so I asked my husband, well, maybe he doesn't have real bullets, maybe they are rubber bullets, he's not stopping, why doesn't he stop shooting.

And, of course, he couldn't answer that because he doesn't know.

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Q And so after he shot three or four times, and then the victim continues to walk toward the officer, he fires again, the officer shoots again, about how many times for this?

A I'm going to say three times and then that's when he collapsed, he just collapsed to the ground.

Q Was he in the street or on the grass?

A By this time he was in the street.

Q Okay. And when he fell to the ground, did he fall on his back, on his front?

A He fell facedown.

Q Okay. Did you ever see him fall to his knees?

A (Shakes head.)

Q So he just --

A He just kind of toppled over.

Q -- he went straight down. And did the officer continue to fire after he fell on the ground?

A No, he just kind of stopped and kind of froze and just looked.

Q Did you see the officer approach his body?

A He didn't touch him.

Q Okay. And at this point, are there any

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other police vehicles in the area at this point?

A At this time there was a white car, I don't know what kind of car it was, a white car kind of moved around the police car and then by that time other cars started to arrive.

Q The white car, did it look like a police car or just a white car?

A No, I think it was just a white car on the street.

Q Before it moved around the police officer, where it had it been?

A I don't know, I guess they were coming down the street, but -- and they just kind of went around.

Q Okay.

A The police car.

Q And so was that car moving west on Canfield then? Did you see that car leave the area then or did it just park over here?

A I think it just parked over there.

Q Okay. What about the shorter kid, did you ever see him again?

A No, ma'am.

Q After Michael Brown was down on the ground, did you ever see anyone move his body before

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it was eventually removed from the seen?

A No.

Q What about the officer's vehicle, did you ever see the officer get back in his vehicle?

A Huh-uh, no.

Q Did you continue to watch after this or did you go inside?

A No, we were standing there and, um, I just said, I told my husband, he just killed that baby.

MS. WHIRLEY: I can't hear, I'm sorry.

A I'm sorry. After that all happened, I just said, I told my husband I said, he just killed him, he just killed that baby. By that time came outside and, of course, years old, just try to tell to go back in the house.

Q (By Ms. Alizadeh) Was your --

A was inside her apartment. There is a patio door, was kind of standing inside the patio door.

Q Had seen some of it, was upset?

A Very.

Q And how about you, you were upset at this point?

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A Yeah, because I had never witnessed anything like that. So, of course, there are a lot of questions to why. I mean, I have a son, I have a son, and they could of --

Q Do you need to take a break?

A (Shakes head.)

Q The --

A I'm sorry.

Q You're doing all right. Just breathe, okay. Take a little water.

What's your son's first name?

A This is why issues like this is why we don't frequent my 's. There is a lot of things going on down there and my son does not go down there unless he's with us. I have a child and that could have been my son, and so that is why it is hard for me.

Q Okay. When you saw the victim turn around and walk toward the officer, and you had demonstrated kind of that his hands were in the same position?

A Uh-huh.

Q And I'm going to describe this, you tell me if I'm describing it accurately, but his hands

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are, his fingers are pointed toward the ground?
A Yeah.
Q His palms are facing forward?
A Yes.
Q And his arms are slightly bent at the elbows, but to his side?
A Uh-huh.
Q Is that accurate?
A Yes, ma'am.
Q Did his hands, when he turned around, did his hands stay in that position?
A Pretty much.
Q And as he walked toward the officer?
A They stayed.
Q Did they ever go up?
A No.
Q You never saw them go up like this? (indicating)
A No.
Q What about, did you ever see his hands go towards his side or like was he ever --
A No.
Q -- feeling on his abdomen like for?
A No.
Q Never saw that?

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A (Shakes head.) He had on a white T-shirt and khaki pants or shorts. He didn't have a hoodie on like most of the kids, he didn't have a hoodie on or anything where he could have did anything like that.

Q Okay. And never heard the officer or him say anything?

A No.

Q Okay. Um, did, when he was walking toward the officer, did you feel, in your opinion, was that in a threatening manner?

A No, he wasn't. He didn't have his hands up fist ball or anything of that nature. I think he was stunned, honestly. He just turned around and he just, like I said, he turned around and he looked at his hand and he turned around and he did like this and he kept walking, he just kept walking toward the officer, he didn't stop.

I asked my husband, why don't he just stop, why don't he just be still, why don't he just stop, and he didn't.

Q Did you ever see the officer get on his radio or talk into a radio, either while he was on the street or back at his car?

A No.

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Q At some point you saw other policemen come?
A (Nods head.)
Q Did you see them taping off the scene, putting tape up?
A After.
Q Afterwards?
A Yes, ma'am.
Q Did any of those officers move the victim's body?
A No.
Q Did any of those officers move Darren Wilson, the officer who was involved in the shooting, his name is Darren Wilson, I don't know if you knew that, but did you see anybody move Darren Wilson's vehicle?
A No.
Q What kind of car was Darren Wilson driving?
A It's an SUV, I don't know if it is a Blazer, I don't know it is just the regular Ferguson SUV. I don't know, I'm not good at cars, I don't know.
Q Was it clearly marked as a police vehicle?
A Uh-huh, yeah. It had Ferguson Police

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Department on the side in writing.

Q Did you ever notice, were the lights on?

A No.

Q The light bar on top of the car or anything?

A Huh-uh.

Q What about a siren or one of those squawkers, did you here any whoop, or anything like that?

A No.

Q Okay.

MS. ALIZADEH: Does anybody have any questions?

MS. WHIRLEY: I do, yeah.

Q (By Ms. Whirley) Tell me what you meant by things are going on at Canfield Apartments where you won't allow your son to go there without you?

A It is just not an area that I want him in. I mean, it's just a lot of things that go on just, it's not a safe environment.

Q Okay.

A So, I mean.

Q You mean like the other folks that live there?

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A Yeah.
Q Or the police?
A Just the complex in general. I just, it is not safe, it is not somewhere I want him.
Q Okay. Can you tell me where you were on the map when the police first encountered Mike Brown Michael and Dorian Johnson?
A We were walking up the steps, this little patio, porch.
Q You were on porch?
A Uh-huh. And then this is where apartment sits.
Q So were you watching them when the police encountered them or were you walking to the apartment?
A It is open, so you can see whatever is going on on Canfield.
Q And it had your attention because it was the police?
A Uh-huh.
Q And a couple kids in the middle of the street?
A Uh-huh.
Q Okay. Now, you said that the police, show me here on the map where you were when the police,

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after Michael Brown ran from the car, where were you when the police first started firing?

A Right here. We hadn't gone into the apartment.

Q You were still outside?

A Uh-huh.

Q And you were, of course, watching at this point?

A Yes, ma'am.

Q And you have good vision?

A Yes, ma'am. And I have contacts, I'm over , yeah, bifocals, actually, yeah.

Q You could see clearly, there was no impairment for you to see?

A Nothing wrong with my vision, no.

Q Well, I guess you already told us, when Michael Brown and the officer, I guess, he was facing the officer and the officer first started shooting you said about 20 feet?

A Approximately.

Q How far apart they were?

A Yes, ma'am.

Q Did you ever see Michael Brown charging at the officer?

A No.

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Q Okay.

A I mean, he turned around, and I'm assuming that he was just stunned, that's how it appeared to me. That he looked down at his hands and he saw blood. He turned around and he just started walking back towards the officer.

Q Did it appear that he was surrendering?

A I guess you could say that.

Q You were there?

A I assumed that that's what he was doing, but I couldn't hear words being, between the two people because I don't recall them saying anything, I don't recall.

Q I'm sorry, I'm trying not to talk at the same time. Did it seem like they were talking or words were being exchanged, even though you couldn't hear them?

A I really can't say.

Q Okay.

A To be perfectly honest, I can't say. I would assume and I would hope, but I can't say.

Q Where did you see Michael Brown's body fall after the last shooting?

A He was in the street. I want to say maybe about right here. (indicating)

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Q Okay. It looks like to you it is right around Copper Creek Court?

A Yes.

Q And Canfield Drive?

A Yes, ma'am.

Q Was it like east of the intersection? I'm sorry, west of the intersection?

A He was going back towards the police car.

Q Okay. Which was headed west initially?

A West, uh-huh.

Q So west of the intersection. In your opinion, did it appear necessary for the officer to shoot him that last time?

A No.

Q Why?

A Because he had stopped, I mean, he was kind of standing there and he just started boom, boom, boom, and he just fell.

Q Okay. So when you said he had stopped?

A He was just standing there, he wasn't moving, he wasn't running, he wasn't doing anything.

Q So the last round of shots, Michael Brown was not even walking towards the officer?

A No. He walked and then it was like as he was shooting, he just started falling like a domino,

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he just kind of fell.

Q Okay. So explain to me, I don't want to be confused. Why you didn't think it was necessary for him to shoot those last rounds of shots at Michael Brown?

A I just think it was too much. I mean, that's just me being a mother, this being a child, he was not charging at him, he did not have a weapon that I could see, I mean, I guess because these are the question that I asked my husband.

Q Okay.

A I asked him whatever happened to a warning shot, whatever happened to shooting in the ankle or somewhere just to stop him, but he just kept going.

Q Okay.

MS. WHIRLEY: All right, thank you. Any questions?

MS. ALIZADEH: Let me ask a couple more questions,

Q (By Ms. Alizadeh) When you first saw them at the car, after the officer had backed up, did you see any kind of confrontation at the car?

A I don't know what happened inside the vehicle when the first two shots went off.

Q Uh-huh.

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A I don't know what was said, I don't know.
Q So at this point Michael Brown, or the victim, is standing outside the driver's window or driver's door, right?
A Yes.
Q And was he close to the vehicle?
A Like right here. (indicating)
Q And you are motioning?
A I'm sorry.
Q It is about an arm's length?
A Uh-huh.
Q Did you notice if any part of his body was inside the vehicle, could you tell?
A No.
Q It wasn't or you couldn't tell?
A I couldn't tell.
Q Okay. So you don't know what was going on between the officer and the victim at the vehicle except that they were up close within?
A In proximity.
Q Close proximity. And then you heard two gunshots?
A Yes, ma'am.
Q And it was after the second gunshot that --

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A He ran.

Q -- he ran?

A Uh-huh.

Q After the first gunshot, did Michael Brown or the victim remain at the driver's window?

A Uh-huh.

Q Or did he back away from the car?

A The shots were like consecutive. It was like boom, boom. I'm like, oh, no, they're shooting. And I sat there because I didn't know who was shooting. And that's when he backed away from the car and started to run, and that's when the officer got out of the car to run after him.

MS. ALIZADEH: All right.

MS. WHIRLEY: Questions?

: . When you said it is not a safe area, if I could get just a little bit more clarification. This is not a safe area. Is there gang activity in the area that you know?

A Honestly, I don't, I don't know. I just don't want my child there. When I say that, it is just that my son is years old, he's , he's a good kid. Things happen, police are always down there. I don't know what goes on.

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I honestly don't go down there at night. So when I say I don't want my child there, he abides by what I tell him and he goes places where I feel he is going to be safe.

I understand.

A I understand that's 's home, I'm not comfortable with him being . I have a daughter, and knows they can come and take out during the day, but it is just too much, it is too much activity, whether it is the residents or police or whatever, I don't want him there.

And as a mother, he does what I tell him to do. So it has nothing to do with that. My mother is a business owner, I don't like for him to go where her business is at night because he's . This is my way of protecting my child as much as I can protect him.

Uh-huh.

A When I say go somewhere, he don't go. He's he drives, he's a good student, but when he leaves my house and he's going somewhere, he needs to give me a phone call.

: Uh-huh.

A And that's what I expect him to do. When

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he's on his way home, he needs to give me a phone call.

: Uh-huh.

A But that's my way, that's our way of protecting him as much as I possibly can. I don't know what happens there because I don't live there.

: Uh-huh.

A But I don't want him there because it is too much police activity, there is too many people many walking up and down the streets all the time, and I don't know what they do there because I don't live there, but I don't want either one of my kids there. I'm going to tell you how I feel and my husband.

: If I can ask another question being a mother, like you said, of a Do you also advise him to respect --

A Yes.

-- law officers?

A Every time I tell him what to do and he even encountered being stopped by a police officer and it scared him to death because he was not doing anything, this is when he first learned how to drive. He was going to my aunt's house, it was dark and I don't know if you all are familiar with Parker

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Road, there are no lights on Parker, he had his high beams on. The police officer pulled him over and he stopped, he was not disrespectful, he was not belligerent, he pulled out his insurance, his license and the police officer told him, young man, I'm just giving you a warning, turn your high beams off. And my child was so afraid, the officer wanted to know if he needed us to come and pick him up.

So he respects the authority, however, I don't want him to be in a situation where he has to second guess anything that my husband and I have told him about, what he's supposed to do when he's encountered by a person of authority. My child has a 3.5 GPA. He's never been suspended, he's never been in trouble, but it is always that one incident.

When he leaves the house, he's only to have two people in his car outside of his sister. I mean, I mean, I was a teenager, my husband was as well, but we try to train him and teach him to do things that he's supposed to do. But that's not always the case. And when you have other people in your car, you don't know what they have on them. So we've given him as much guidance as we possibly can.

Now whether or not he uses it when he

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walks out the door, that's another story.

Uh-huh.

MS. ALIZADEH: just to clarify, the officer that pulled over your son, was he a Ferguson officer?

A No, he was a county.

MS. ALIZADEH: Okay. And that encounter went okay?

A He was fine, it just scared him to death.

MS. ALIZADEH: Maybe that's a good thing, right.

A I mean, when he got in the house, he was trembling. I mean, he was shaking, and we were like what is wrong with you. He is like, I got stopped. I'm like, okay. Calm down, but because he knows he has to respect authority. And he just, but I didn't do anything. Which I understand that, but he had his high beams on on a dark road and he could have blinded the other driver.

And, again, like I said, he was , just learning how to drive. It was dark, he figured I turn on the high beams and I will be okay.

MS. ALIZADEH: But the officer wasn't belligerent with your son?

A No, huh-uh.

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MS. ALIZADEH: And just, again, I didn't ask you to make sure, but do you know any Ferguson police officers?

A Um, I don't think he's a Ferguson police officer. One of the coaches for my kids track team, I can't think of the man's name, he was a Ferguson police officer and I believe he's retired.

MS. ALIZADEH: Okay. Did you know Darren Wilson?

A No.

MS. ALIZADEH: Any other questions?

. If you could, take me back to the time when Michael Brown ran into the grassy area as you said, is turning around?

A Uh-huh.

: Before he was shot at by the police officer after running?

A Uh-huh.

And started moving back towards the officers with his hands down like this, both you and have both kind of said that there was a sense of frustration with you why Michael Brown was still moving forward a little bit, sounds like you were both a little frustrated with that. Can you describe that a little?

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A I didn't understand why he just didn't stop and maybe get on his knees, just stop moving period. I just didn't understand why he kept going. I mean, I don't know if his parents have talked to him about ten and two and doing certain things when you are stopped.

So, yes, I was frustrated.

Okay.

A I don't honestly think he has been taught what to do and that's just my personal opinion. Again, as I say, I have a son, and so you know, there is certain things that you do and don't do when you are approached by authority. And he just, he just should have stopped. He just should have stopped.

: Do you have any idea or logical guess as to how much distance he covered moving back towards the officer, was it a few steps, was it ten steps?

A No, it was probably maybe ten steps.

: Okay.

A He was close enough to, I think reassure the officer that he was not a threat, that's my --

MS. WHIRLEY: He is what?

A He was close enough where he wasn't a

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threat. I think when he turned around and his hands are down, I think the officer should have said okay, I mean, I don't know, I don't know what was going through his mind. I don't know what was going through the victim's mind, but again, I was frustrated because he just, I mean, he just should have stopped and I guess, I don't know, he should have did something different than just keep on moving.

: Thank you.

: . The officer, was he moving at that time as Michael Brown was approaching him or maybe when he paused between the two series of shots or at any time?

A He was standing still.

Was the officer moving towards Michael, away from Michael or standing still?

A He was standing still.

Through all the shots he was just standing still?

A Uh-huh.

Okay. Thank you.

I guess at the time when he turned around and he had his

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hands like this? (indicating)

A Uh-huh.

: You said that, you could see both of his hands?

A Uh-huh.

In your opinion, could the police officer see both of his hands?

A Yeah, honestly, yeah, I believe so.

: Thank you.

: . Could you see Michael Brown's face or was his back to you when he had his hands like? (indicating)

A When he turned around this way, it was his back and then he was looking this way, it was still his back, but you could see his hands out to his side.

And you say he wasn't charging, he was just moving forward?

A I want to say it is almost as if you tell somebody to come here and they're coming, but he just kept walking, he just kept going, he just didn't stop. Even today, I don't know why, I don't understand that and when it was all going on I asked my husband why won't that child just stop.

: I understand. This

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question is hard for me to ask, okay. This one you said that in your opinion because you're a mother, you felt like it was too much, too many shots, I'm going to ask you if it was your husband or child that was the officer, would you feel the same way?

A Yes, I would.

Okay. Thank you.

A I have to be perfectly honest, this has changed his life, it has changed this child's family's life, everybody's life and it went from 0 to 100. And honestly, I think it was just something that could have been thought through a little bit more because his life has changed, no matter what happens, both of them. It has changed a lot of lives.

: I do, . I just want to make sure that I heard you correctly. You said the last shots were fired, the ones that you feel were excessive, Michael Brown was not walking towards the officer at that time, he had stopped?

A No.

: Okay. Thank you.

: Just one clarification. Were there any other cars besides the white car that you saw that could have been

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blocking the police officer where he had to walk around to come and show his full body?

A No.

MS. ALIZADEH: Any other questions?

: . At any time did you see Michael Brown reach under his shirt?

A No, I did not.

: Thank you.

MS. ALIZADEH: All right. This will conclude the testimony of Thank you.

(End of the testimony of .)

MS. ALIZADEH: It is October 6th, it is 9:47. We just had a midmorning break. This is Kathi Alizadeh, present also is Sheila Whirley and all 12 grand jurors, as well as the court reporter. We will be playing a couple of recorded statements.

I thought, and Sheila and I decided, we talked, probably make more sense to play s statement first since she just testified and be fresh in your mind. And the first statement is about, well, it is 54 minutes and 32 seconds. It is just under an hour.

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So we will start that, we will cease the audio recording while the statement is playing. And then at the conclusion of that statement, we will play the statement of , which is considerably shorter. Although I don't know how short, I have to find out, all right. So at this time we'll cease the audio recording and begin playing the statement. While the statement is playing, I will pass around Grand Jury Exhibit Number 32.

(Grand Jury Exhibit Number 32 marked for identification.)

MS. ALIZADEH: Which is a map that used during her statement and she made some drawings and labeled some things as the statement is being played. It might be helpful for you to be able to have seen this.

MS. WHIRLEY: Her recording, just for the record, is Grand Jury Exhibit Number 24.

(Interview of is being played at this time.)

MS. ALIZADEH: It is 10:44 a.m. here and so I have passed around Grand Jury Exhibit Number 32. This exhibit, as well as all the others that we've seen and used will be available to you if you

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want to see it again or at the conclusion of all the evidence, will be made available to all of you again.

We had a change of plans today. The witness for this afternoon left me a message needing to reschedule, so I have now gotten ahold of the firearms examiner who is going to come over at 1:00 or whenever you are done with your lunch break. So he will give his testimony after lunch. I'm going to try to get somebody else. He won't take an hour and a half, but I will try to get another police officer or someone else to come in to round out the rest of the afternoon.

And as of right now, I've got to see what's going on outside of this room. If you want to take a quick break since we will start back up with listening to more statements.

(Recess).

MS. ALIZADEH: It is 10:54, this is Kathi Alizadeh. Sheila Whirley is not in the room, she's just outside. All 12 grand jurors are present, as is , the stenographer, and right now Judge asked her to come over and she needs to address you as a group. There won't be any individual questioning, but she's going to talk to

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you as a group right now, all right.

Neither Sheila nor I will be in the room when she's here to talk to you.

THE COURT: It is Monday, October 6th, and I'm back in front of you mainly because I'm always thinking about you and I have a little bit of information that I want to share with you. And I hope that what I'm here to say will also guide you.

Um, I received some information that some of you, and by the way, I have no names, and you are not at the principal's office right now, you have not been called to the principal's office. I want to assure you about that, but some of you may have done some independent investigation or some research, and I'm here to caution you about that.

Your job, as you know, when I told you when you started here will be to listen to the evidence that you're going to hear and then at some point, you're going to be deliberating.

It's very important that you all come to deliberate, that you are all considering the same evidence. You will each have thoughts about the evidence you've heard, you will each have opinions, but the very important thing to give the decision you make credibility and value is that you are all

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considering the same information and evidence.

And so I'm here to caution you do not go out and do independent research and investigation. If there is something you want, you tell the prosecutors. They will go and get that for you. And if they can't get it for you, they'll tell you why they can't get it.

Ask for anything you think you need to reach the decision you're going to be reaching, and I can't caution you enough about that.

I think of you often and I think of you because, and I told you this before, I told you at the beginning and I still tell you this, you are the face of our community. This decision is important, you are good people. You collectively are our St. Louis County. We have St. Louis County, that's our community here.

You are, you are the face of our community. Your decision will be the decision of the community because you good people have listened to all of this evidence and then reached your decision.

The decision you reach will be thoughtful, it will be thorough, and it will be based on as much evidence as you ask for and as can be brought to

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you.

And just so you are deliberating and talking back and forth, just so you all know, you're thinking about the same evidence. That's why it is so important that you not do this independent research, independent investigation.

So I'm going to ask you to please, if there's something you have, it has to be shared collectively. I'm going to ask you from this point forward, do not go forward and do anything independent. Ask the prosecutors for it.

I guess I've stated what I really wanted to state, but I have such faith in you. I think you, no matter what the decision is, your decision is going to be the result of a well thought out and conscientious approach to considering it. That's what is provided for in the law. You're going through a very hard task at this time.

But when you go through that task, you should know at the end of the day, and I will know at the end of the day, you have done everything that is provided for under the law in our justice system when grand juries sit, and you have done everything that has been asked of you as a citizen of St. Louis County.

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So my caution to you is if there is anything you want, you tell these prosecutors, they will get you that information. And if they can't, they will tell you why, ask them why. You are certainly free to do that.

But keep yourself safe too. I respect the law and I follow the law and I'm following the law right through to the very end. And, um, I will answer questions that people have because people are free to ask questions in our justice system.

If the press comes to me and ask me questions, I am going to follow the law in that regard. I believe I have followed the law up to this point with regard to any questions from the media, I will continue to do that, but when you do independent investigation, I worry that you keep, that you may expose yourself to dangerous situations, and you may create a situation where people start talking about you and reporting they've seen this, they've seen that, and it may lead to more problems than we could ever imagine.

So please keep your research and investigation here in this room, please keep yourselves safe and please know that you are the very good people of St. Louis County, we are lucky

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to have in St. Louis County doing this very hard work. Your collective decision when you reach it will be the decision, no matter what it is. I don't know what it is, I'm pretty darn sure you don't know what it is at this point.

That is the decision that our justice system has thought about, provided for in the laws, and will guide you ultimately to making your decision and decide what the next step will be under our justice system.

So it is nice seeing you once again. Thank you for your very hard work. That's all I wanted to say, thank you.

(End of Judge 's statement.)

MS. ALIZADEH: All right. It is 11:04 a.m. on October 6th. This is Kathi Alizadeh, present also is Sheila Whirley, all 12 grand jurors are present as is , the court reporter. We are next going to play a taped statement from

If you recall, he's already testified, I think, last Thursday. We'll hand out the transcripts. And then as usual, we will have pause the recording while the recorded statement is being played and then we'll resume.

I don't have, if there is a map, I don't

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have it. So I will have to, they talk about doing a map in the statement and I don't remember if they do. If they have a map, then I'll have to get that for you this afternoon.

So pause the recording now, we're going to play from State's Exhibit Number, Grand Jury Exhibit Number 24, which is the disc that contains witness statements, including the statement of

(Interview of is being played at this time.)

MS. ALIZADEH: It is 11:15, we just finished listening to the recorded statement of

Uh, I'm now going to pass out some transcripts and we will listen to the recorded statement of Her statement is also being played on a disc, from a disc that is on Grand Jury Exhibit Number 24. And is going to pause the audio recording while the statement is being played.

(Interview of is being played at this time.)

MS. ALIZADEH: And I believe, although the officer didn't specify, that he starts out in the

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interview and he says that he is at with , I believe that that is where she lives, which on the map is right here, Building Number . Okay.

And I will also let you know that we have a map that has been put together for you that has the dots on it of every one of the witnesses who are testifying and you will have a legend that will have the number of the witness and then the name.

So eventually when all the witnesses are done testifying, we'll have that and you will be able to go back and say this is where that girl was, this is where that guy was and so forth.

So it will kind of help to pull all of that together, but right now since we haven't heard from all the witnesses and the map is already marked with all the witnesses, we are going to wait until we get all of those people on to testify. So you don't have to worry about trying to remember so much as far as where everybody was because there will be a map given to you that kind of lays that out.

Um, also, there is a recorded statement of that was done on September 30th, by the FBI. And I just got that transcript this weekend, and I haven't got the actual recording yet, but I

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did talk to the agents this weekend and I'm hoping that they're going to drop off this recording, as well as some other recordings this morning. So I will check during the lunch hour and if I have that recording, then we will listen to that after the lunch hour.

is scheduled first thing in the morning. If we don't get on that this afternoon, we will try to listen to that before she testifies in the morning, okay?

And so we'll just skip that second statement of for now, and the next statement that I'm going to play is a statement of . She's also scheduled to testify tomorrow. And if you recall, is the fiancee of whose already testified. I'm going to pass out, obviously, not obviously, but her statement is very brief as well.

(Interview of was played at this time.)

MS. ALIZADEH: It is 11:28. We just finished playing a recorded statement of , which was played on Grand Jury Exhibit Number 24.

At this time, unfortunately, I don't have

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anything scheduled, although I do have a witness scheduled for tomorrow. I don't have transcripts printed up yet, let me see if it is on there.

You want to see how long that statement is?

If you want to hang tight, I can try to print out a ten minute statement that will get us closer to the lunch hour. Hopefully it will just take me really quick.

MS. ALIZADEH: And, , if we want to go ahead and pause the audio recording and then we can step out while I'm printing these up. And if you guys want to talk, you are able to do that while we are out of the room, okay.

(Recess)

MS. ALIZADEH: It is October 6th, 2014, it is 11:36. This is Kathi Alizadeh, Sheila Whirley is present, as well as all 12 grand jurors and the court reporter. So we took a brief break while I printed up some transcripts. So we're next going to play for you a recorded statement from a witness whose name is , and I believe that's .

Who is, he's a juvenile. I can't remember how old he is. I am hoping he is going to be able

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to testify tomorrow, that's the plan. We will go ahead and listen to his statement now and get that out of the way.

His statement is about ten minutes long I think, you said Sheila? And it is also contained on Grand Jury Exhibit Number 24.

(Interview of is being played at this time.)

MS. ALIZADEH: All right. It is 11:48, this concluded the playing of the recorded statement done on August 9th, 2014 of . And so at this time we'll go ahead and begin our lunch break. I think the lunch is supposed to be delivered at noon. So if you all want to just take a break and use the restroom and whatever, or chat amongst yourselves. And then when the food gets here, we'll give, you know, a good amount of time to eat and then you'll just let us know when you are ready to start up after you are eating your lunch.

The next witness I hope is going to be here, he's going to be here like a quarter after noon that is for me to talk to him. We should be able to get going as soon as you're ready. All right. So we'll conclude for the morning.

(Lunch recess taken)

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MS. ALIZADEH: This is Kathi Alizadeh. It is October 6th at 12:58 p.m. I'm present, as well as Sheila Whirley of the prosecutor's office, all 12 grand jurors are present. We're going to begin the afternoon session. We are going until about 2:30 today. I have had to, we had a witness cancel, so I did my best to get a couple of people in here to make good use of your time for this afternoon.

So the first witness you are going to hear from is And then on his way is another detective, his name is , So hopefully we'll get the two of them in. I apologize if it is not 2:30, then you guys are going to break early today and go on your way because I don't think I can get anybody else in this afternoon.

So if the witness now would be sworn.

,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

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BY MS. ALIZADEH:

Q Could you please state your name and spell it for the court reporter?

A , .

Q Um, can you please tell me how you're employed?

A I am a police officer with St. Louis County Police Department, assigned as a firearm and tool mark examiner in the crime laboratory.

Q And so you originally received your training to be a police officer; is that right?

A Yes.

Q When did you become a police officer?

A In early, I'm sorry, 1991. I became an officer commissioned and hired by St. Louis County and have not worked for any other departments.

Q So as a police officer after your graduation from the academy and during your training with the academy, you learned how to use firearms, correct?

A Yes.

Q And then at some point you went from being a uniformed officer to having this specialized area of tool marks and firearms examiner, correct?

A That's correct.

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Q So can you explain for the jurors, first of all, when is it that you went and got your training for that?

A After four and a half years on patrol, I went into the Crime Scene Unit and was in the Crime Scene Unit for six and a half years.

So approximately 2002 I was assigned in the crime laboratory, trained under other qualified firearm examiners, both on the job and through available training outside the laboratory by firearm manufacturers, ammunition manufacturers, ATF training opportunities, FBI training opportunities and so forth. Completed that training in 2004 and have been an examiner ever since, even becoming the supervisor of the section, I think, two and half, almost three years ago now.

Q So you began in the firearms lab in 2002 you said?

A Yes.

Q So there's, you had approximately two years of training before becoming a firearms examiner?

A A qualified examiner, yes.

Q Now, to be a qualified examiner, do you have to have any type of certification or

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qualification?

A There are opportunities for certification through an international organization. They're not required, only a small percentage of examiners take that opportunity and I have not, so I am not certified through them, but I have been qualified both in state and federal courts numerous times as the expert witness.

Q So for approximately ten years you've been working solely and strictly as a tool marks and firearms examiner for St. Louis County Police Department?

A That's correct.

Q And can you give me an estimate of how many times you have testified as an expert witness in that area in state and federal courts?

A I wish I had counted them. Truthfully my best estimate would be dozens, not 50, but more than 25.

Q Okay. And in those cases, have you been qualified to testify as an expert in the field of tool marks and firearms examination?

A Yes.

Q So can you explain for the jurors, obviously, firearms and tool marks are two different

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types of things you might be looking at in this case?

A Uh-huh.

Q The investigation into the shooting of Michael Brown. You were looking at firearms and ballistic materials; is that correct?

A Yes.

Q Okay. So while it might be very interesting to talk about tool marks and what you do with them, let's skip that part of your expertise and we'll go straight to the firearms portion of it, is that all right?

A Very good.

Q Now, in the laboratory setting at St. Louis County Police Department Crime Laboratory, are evidence items submitted to you for you to examine and test?

A Yes, they are.

Q And in this particular case, which is in relation to St. Louis County Police Department's Complaint Number 14-43984, were there items submitted to you for you to examine and test?

A Yes.

Q So first off, let's talk about a weapon. Was there a weapon submitted to you for you to test

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and examine?

A There was a firearm submitted for my examination, yes.

Q And I say weapon, I guess that's pretty all inclusive. The weapon in particular is a firearm, correct?

A Correct.

Q And you tested that weapon and compared it to some other materials that have been submitted to you?

A That's correct.

Q Did you put your conclusions in a report that you then gave to me?

A I did.

Q All right. And I'm going to show you Grand Jury Exhibit Number 33.

(Grand Jury Exhibit Number 33 marked for identification.)

Q (By Ms. Alizadeh) Is that a copy of a report you made in this case?

A Yes, it is.

Q I'm going to pass this around so everybody can have a copy of that as well. So Officer when you are submitted, in this case, the firearm, what do you do to begin your

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examination?

A In this particular case, after opening the package to observe the weapon, firearm, I discovered that it had what appeared to be blood on it. In the interest of safety for myself and others that might handle this firearm after me, I cleaned it with bleach to kill any biohazards and remove that apparent blood from the firearm.

Q Okay. So let's back up now. This weapon was submitted to you by Detective is that correct?

A The seizing detective was . From him it went to a secure vault that they have access to for dropping off evidence after hours. That vault is then accessed by Property Control Unit, and in this case , who is the supervisor of the Property Control Unit. Removed it from that vault and brought it to me.

Q So what day did you receive that firearm?

A October 11th of 2014. I'm sorry, did I say October? I meant August, I'm sorry.

Q That would have been a Monday, correct, or maybe. If the 9th was a Saturday, that would make the 11th a Monday?

A That sounds correct.

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Q Can you describe how this weapon, this firearm was packaged and how you first saw it?

A It was packaged in a box that we have specifically on our department for the storage of firearms and it is sealed with evidence tamperproof tape. In other words, if the tape is torn to open the package, you can tell by the tearing of the tape.

And it is also itemized on an evidence receipt that accompanies that box. So its submission has some of the case information and the contents of the box listed thereon.

Q Now, when you received the box, did you examine it to determine whether or not the tape that sealed the box had been tampered with?

A It was sealed when I received it.

Q Had you noticed, or in any case when you noticed that there has been a tear in the evidence tape, would you notify the seizing detective immediately?

A Yes.

Q Okay. So in this case, it appeared to still be intact, correct?

A Yes.

Q Was there anything unusual about the way

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it was packaged?

A Not to my recollection.

Q Now, there has been testimony from Detective , and I'm just going to ask you to take my word on this, that when he first found the weapon or first got the weapon I'll say, that it had been packaged, so to speak. And he described to the jurors the way that was.

The weapon had been placed in like an evidence envelope and the magazine and live round had been removed from the weapon and the slide had been locked in its back position. Did you see any evidence envelope with the box that you opened up, was there anything like that in there?

A Truthfully, I don't recall, however, that's not unusual. So the answer to your earlier question anything unusual, no, because it's not infrequent that that does occur, especially the firearm being made safe and unloaded and the action locked up and so forth, that is actually a requirement of the laboratory that we not have loaded or unsafe firearms.

Specifically in this case I don't recall an envelope, but if there was in that box, it would still be there today.

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Q Okay. Whatever the condition it was in was not unusual to you?

A Correct.

Q And, in fact, the St. Louis County Police Department's Crime Laboratory examines firearms and ballistic materials from any police department in St. Louis County that would submit them to you; is that fair to say?

A Yes, including federal agencies, yes.

Q And I would imagine, and I'm not sure, would it be fair to say that just different departments, they may have a different way of packaging a firearm? In other words, they might not use the same box that the county uses and so forth?

A That's absolutely true. In fact, that's why it is not unusual because we have a requirement that the guns be boxed. It is for a safer storage and so forth, easier to store.

Those agencies that will use those envelopes, when they arrive at our lab we will offer them boxes. It is not unusual to have that envelope in that box, no matter how they choose to submit it. Still other agencies will choose boxes very different from our own. Simply whatever they have available because then they meet the requirement of

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having the firearm boxed.

Q Now, we have also heard testimony from Detective that when he seizes a weapon, in order to package it and submit it for examination, that he would zip tie through the ejection port of the weapon in order to prevent that slide from moving. Did you notice if that had been done in this case?

A I didn't pay particular attention to note, but every firearm is required to have a safety of some sort applied to it for its submission and that is the most common. And, in fact, when I'm done examining, I put on the very same zip tie.

Q And then he also testified that he would use some kind of led identification number seal that he would put on the trigger guard of the weapon to mark it, so to speak, or number it. Is that also something that you use for sealing?

A Absolutely, it's a led tab that has a steel wire coming from it. That led is manufactured for our department with our name on one side and forgive me, our number on one side that is unique. It is an incremental numbering system on those led seals. They are unique so they're not repeated. So that number, when that led wire goes through the

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trigger back into the led and is crimped on with the led crimper, it embosses St. Louis County on it ideally. Then that is a unique number identifiable to that specific firearm and yes, I am very use to seeing those.

Q All right. So when you first receive that weapon and you look at it, did it appear to be handled properly in your opinion, came to you at least in a condition that didn't raise any suspicions with you?

A Correct, I found it as I would expect to.

Q Okay. So can you describe what this weapon is?

A Yes, it is a pistol. It's made, as you can see on your copies, by Sig Sauer, Incorporated. They're located in Exeter, New Hampshire. This model is a P229 and the caliber of it is .40 Smith & Wesson.

Again, it is a pistol, the finish I call black, that's mainly for the color. Manufacturer's have many different names for their finishing processes. We don't try to keep up with those. We simply try to know what color that finish is. It has six lands and groves with a left twist inside the barrel, and this firearm has serial

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number 55B003794.

Q All right. The things that you indicated just now about the weapon, are those things you can see in your visual examination of the weapon or did you have to like actually look through some kind of device in order to determine that it had six lands and grooves with a right side twist, I mean, a left-hand twist?

A That is the interior of the barrel. It took some lighting to eliminate that. It can be seen with the naked eye, however, low power magnification is best. I have an eye loop, it is a jeweler's loop, it is only 5X, it is not very much at all. Like a magnifying glass, it is not very much at all. It makes it easier to see. So I can look into the barrel and determine the number of lands and groves and the direction of that twist.

Q In regard to the caliber of the weapon, what does that mean?

A The number is roughly the diameter from the raised area of the land on one side to the raised area of the land on the other side on the interior of the bullet. Interior diameter, if you will.

Q The interior of the barrel?

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A Of the barrel. However, that's not an exact measurement. There are different tolerances that the manufacturers have. The S & W after that number is Smith & Wesson is what that stands for. They developed that caliber, so .40 Smith & Wesson caliber is a name of this caliber of ammunition that this firearm is designed to fire.

Q All right. And when you say that you cleaned the weapon of blood, did you do any testing on that to determine it was blood?

A The testing of any blood or search for any fingerprints if it was necessary is all done before the firearm comes to me in the laboratory.

Q Okay.

A So I understand that there were some tests done, I don't know specifically what tests nor the results.

Q But you didn't do any yourself?

A That's correct.

Q Okay. And so after, are you familiar with this weapon?

A Yes.

Q Not this particular one, but the Sig Sauer .40 caliber pistol?

A Yes, in fact, it is the same firearm that

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we are issued as county police officers.

Q All right. And so after having cleaned the firearm, what do you do then to continue your examination of the weapon?

A I then made note of these observations and then began to do some more observations and some simple tests to include determinating the capacity of a magazine that was submitted with the firearm and that was 12.

The firearm has no safety, I took note of that.

Q Is that unusual that a weapon of this type does not have a safety? Is it manufactured without a safety or is it somehow removed from the weapon?

A This firearm and many others have internal safeties and when we speak of a safety, we are referring specifically to an external safety that can be applied by the person possessing the firearm. There are no external safeties on this firearm, but there was never designed to be. It was not removed from this weapon, it is simply not present.

Q Okay. And so then you also indicated there was a magazine submitted with this weapon, correct?

A Yes.

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Q Can you describe for the grand jurors what is a magazine, it is not People or Time, obviously, but what was the magazine that was submitted to you?

A Some people call it a clip, but it's that detachable part of the firearm that contains the ammunition. You can load it with as many as you like up to its capacity and in this case as many as 12 live cartridges inside the magazine. The magazine when you desire, when you use your desires, would seep into that firearm and lock into it and contain that ammunition.

The firing cycle, it would take individual cartilages to load and fire from that magazine. And to continue to do so as many times as you fire it until the ammunition supply is exhausted.

Q So the magazine that was submitted to you, was it empty as submitted to you?

A We receive it in both manners, where it is loaded and unloaded. I don't remember at the moment if he unloaded the magazine or not.

Q Do you recall if there were any live rounds that were submitted with this weapon?

A I did have one live cartridge submitted with the magazine and firearm.

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Q So now I called it a round and you just called it a cartridge. Can you describe for the grand jurors what you mean by a cartridge?

A A cartridge is the unfired ammunition. It is a live cartridge where the primer is ready to be fired, I'm sorry, there is gunpowder contained in the cartridge case. And the bullet is seated in the mouth of that cartridge case. Again, it is unfired.

A round is a interchangeable term if you will, perhaps a layperson's term. It can mean the same thing, but among fire examiners the definition of that is a live cartridge.

Q What else did you note about this weapon that you indicated in your report. You have here trigger pull SA, not applicable. What does that mean?

A Trigger pull single action and next to that is DA, for double action, I put not applicable because I did not test the different trigger pulls that firearm has. It is a measurement taken in pounds. And the reason why I did not report that is because it can vary. One pull of the trigger might be 5 pounds and the next one might be 7 pounds. Unless it becomes a key element in the case, it is simply too variable to have much meaning to me and

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for me to testify to it. It is seemingly unimportant.

Q So in that case where someone says I was holding the weapon and I barely touched the trigger might be relevant, but in this case it was not; is that correct?

A To my understanding, correct. There is no denial of firing the weapon, there is no question of how long the trigger pull might have been and things of that nature, so it was not recorded.

Q And then CYL and CYL rotation, what do those terms mean?

A CYL is standing for cylinder. And that is for a revolver type weapon, this is a pistol, so it does not have that cylinder, so it is not applicable.

Q All right. And then you described the barrel length in inches; is that correct?

A That's correct, three and three quarter inches.

Q And then muzzle trigger length you have NA, is that because it is a short pistol as opposed to a long gun?

A That's correct. That's more intended for the overall length of firearms. Sometimes that

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length becomes an issue in the application of statutes. For example, sawed off gun, it has to be a certain length to be legal. And if it is any shorter than that, the measurement would have been taking there.

Q Now, we've described the action of this weapon or firearm as being semiautomatic.

A Yes.

Q What does that mean?

A Semiautomatic pistols fire one bullet, fire one cartridge with each pull of the trigger. So if you pulled that trigger one time, even if you hold it back and don't release it, it is only going to fire the one time. You have to release the trigger then until it resets internally and then if you pull that trigger again, assuming you have more ammunition it would then fire again.

But again, it only fires one time with each pull of the trigger.

Q Now, you described in this case the magazine that was submitted to you as having a capacity of 12 cartridges. Can this weapon, when the magazine is seated in the handle of the weapon, can it have more than 12 cartridges and be fully loaded.

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A Yes. If you were to seat the magazine and work the action of the firearm, open the slide, release the slide, it would feed that top cartridge from the magazine into the chamber of the barrel. If you remove that magazine, and you have 11 in it, if you put another one in it. So it is now again at capacity with 12, reseat that magazine, you now have a total of 13 live cartridges available to be fired in that magazine, I'm sorry, in that firearm without reloading it again.

Q And you identified the cartridge, the live round I called it, but the cartridge that you were submitted, you've listed as one Federal JHP, what does that mean?

A The Federal is the marketed name stamped on the head stamp or on the base, if you will. If you stand that cartridge up on the bottom, it says Federal, that's who markets that ammunition. And JHP stands for Jacketed Hollow Point, that is the style of the bullet that's loaded into that cartridge case.

Q And the cartridge that was submitted to you, is this the type and caliber of a cartridge that could be fired from that weapon?

A It is. I did not note the caliber next to

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that cartridge because it is the same caliber that the firearm is designed to fire. Sometimes ammunition that is submitted differs from the firearm, but I note when it is different here. And because there is no such note. I know that that is a .40 Smith & Wesson caliber cartridge.

Q All right. You also indicated that you had been submitted five bullets. Can you explain what is a bullet, how is a bullet different from a cartridge?

A The cartridge is the combination of all the elements needed to fire a weapon. The primer in the cartridge case that contains the gunpowder and the bullet.

So when you're firing a cartridge, a firing pin strikes the primer, which is a very small explosive. So that sets off that explosion, that miniature explosion sends fire into the open chamber of that cartridge case where the gunpowder is.

So that fire then ignites the gunpowder. It doesn't detonate, which means to burn instantly, it burns rapidly, it deflagrates, which means it creates pressure. So that pressure that is created by the burning gunpowder is the same pressure that pushes the bullet out of that

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cartridge case through the barrel towards its target.

Q And then the bullet is the piece that comes out of the barrel of the gun and is what we normally think of as a bullet, it is what it shoots at targets or things?

A Correct. In this case, for example, the submitted cartridge is a jacketed hollow point bullet. So that bullet would leave the cartridge case after having been fired, go through the barrel of the firearm. It's designed to make minimal, but contact with the lands and groves in that barrel to impart spin to the bullet so that when it leaves the barrel, it's a spinning bullet in flight now.

The purpose of that is if you think of the analogy of a football, if you throw a spiral football, it will go farther and more accurately then an end over end football. It is the same principles at work here. If the bullet is spinning, it will go farther and more accurately than tumbling. That rifling is what gives it that stability.

Q So the bullet is forced through the barrel of the gun, what happens to then the rest of the cartridge?

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A The energy that pushes that bullet out the barrel is equal, but opposite on that cartridge case. And in essence on the gun in the shooter's hand itself. That's the recoil that you see in cowboy movies.

That cartridge case after it has fired that bullet, it is marked in several ways by that firearm. First, as I mentioned the firing pin striking that primer will leave a mark.

The pleasure from the firing process pushing that cartridge case rearward against the breech of the firearm impresses the contours of that breach into the surface of that fired cartridge case.

In this case, speaking of pistols, the action of the firearm is intended to extract that fired cartridge case from the chamber. So there is a little hook on the firearm that grabs the rim of that fired cartridge case and pulls it out, pulls it rearward of that chamber as it is pulled rearward then it is designed to hit what's called an ejector. It is nothing more than a little piece that when that cartridge case is pulled rearward, it hits that ejector to deflect it out of the open side of that slide of the firearm.

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So to answer your question in a short order, after firing the bullet, the cartridge case is ejected from the pistol and then before the action closes, it needs the next cartridge from the magazine to reload it if there is one available.

Q So, what you just described from pulling the trigger and the firing pin hitting the cartridge and the bullet being expelled from the gun and the casing coming out and the next cartridge being loaded up into the firing position, is that called a cycle, is that the firing cycle?

A Yes.

Q And that happens at one pull of the trigger, correct?

A That will happen with each pull of a trigger on a semiautomatic pistol like this.

Q So it doesn't require someone actually pulling the slide back in order to cause the gun to cycle again?

A No, it doesn't. In fact, if you were to that, you would be ejecting a live cartridge and not have as much firing capacity because you would be wasting your ammunition.

Q Can you explain, because there has been testimony perhaps that when this weapon was fired

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during the incident of August 9th, that the officer pulled the trigger on a couple of different times and the weapon didn't fire. Did you test fire this weapon yourself?

A I did.

Q Was it normal, did it fire normally?

A Yes, I noted no defects at all.

Q Is there anything that you can explain that would have happen that would cause a weapon to not fire the cartridge if on this weapon pulled the trigger back?

A To be clear, you're asking for speculation or generally speaking, correct.

Q Sure, right. I know you don't know what happened in this case.

A Right.

Q I'm just asking you what could possibly be the reasons that you could pull the trigger and the weapon wouldn't fire?

A Okay. Sometimes ammunition is simply bad ammo, maybe the primer doesn't have a priming compound in it. So no matter how many times you strike it, it is not going to fire.

Sometimes a firearm might fail to feed a cartridge from the magazine, so you might try

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to cycle it and it doesn't feed that cartridge, so there is no cartridge in it to fire.

There are other scenarios if you are successful firing one cartridge, but it fails to extract, in other words, the hook doesn't grab the rim and pull it out or if it fails to eject and it pulls out from that hook, but it doesn't eject before the action closes on it. It might have it standing to where the open end of that fired cartridge case pointing up and out of the gun, they call it a stovepipe, like a stovepipe on the top of your house.

Another factor might be in some way the action is impeded during the firing process. Perhaps unimpeded a firearm and ammunition might all be in perfect working condition, but if there was something blocking the action to where it couldn't cycle freely, then it might cause some of these other events to occur, especially not being able to fire after one shot because it wasn't allowed to cycle enough to feed the next one. There could be many others.

Q Let me ask you a question. In this particular weapon, when you fire it, I don't know that this is the technical term for it, but the

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hammer, is that a technical term?

A There is a hammer that strikes the firing pin, yes.

Q The hammer, as you can see it externally on the gun when you examine the gun, correct?

A Yes.

Q And when you fire that weapon, does the hammer come back and go forward striking the firing pin?

A That's correct.

Q So if there would be something that would prevent that hammer from moving backwards and forward, would that cause the gun to not fire even though you pulled the trigger, it could?

A Absolutely it could. And that, in fact, would be a scenario where the action of the firearm is impeded. Yes, interference with that hammer and motion of that hammer would prevent the firing pin being struck and firing that cartridge.

Q And then what about, you know, you've described, or I did and you also explain to where the hammer strikes the firing pin, which is basically on the bottom of the bullet, correct?

A It's inline with the primer of the loaded live cartridge, yes.

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Q If there is something that is in between the hammer and that firing pin, whether it be, you know, but something that would be between that action, could that possibly explain why you pulled the trigger and nothing happened?

A Yes.

Q In other words, if a part of your hand would be in between that firing pin and the hammer, that could prevent the weapon from firing?

A Yes, absolutely.

Q And if that were to have happened, again, pure speculation, but if that were to have happened, and the weapon would not fire, if that obstruction was removed between the hammer and the firing pin, would the weapon then be able to cycle normally after that?

A Misfire.

Q Or would you have to then go ahead and eject that round?

A This firearm you could pull the trigger a second time. If the action is not impeded, it would be expected to fire then. It is not true of all firearms, but this firearm yes.

Q Okay. And if that were to have happened with this firearm, would there be anyway to tell

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that simply from your examination of the weapon?

A In the scenario you've described, no. Because there are no marks on that live cartridge for me to observe. In other words, a different scenario, for example, I gave a bad ammunition was my first example. If you tried to fire it once and pulled the trigger again and that firing pin struck that primer a second time and then fired, I would note two firing pin impressions and know that there was more than one attempt to fire it.

But in your scenario, no. There would be no marks made, I would have no indications on what evidence was submitted to me?

Q Now, in this case, let me ask you, you described how the gun was fired from the weapon and you mention that there are marks left on the empty cartridge that is ejected from the ejection port, correct?

A Yes.

Q And there is also markings that are made on the bullet itself as it is forced through the barrel of the gun, correct?

A That's correct.

Q And can you see those markings using a microscope?

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A Yes.
Q Are those markings made by the individual weapon that fires that cartridge?
A The answer is yes and no. And if you'll allow me, let me explain.
Q Okay, go ahead.
A There are what's called class characteristics. The number of the lands and groves and the direction of their twist inside the barrel, as well as the dimension of those lands and groves, that is determined by the manufacturing. They make many, many firearms with those specifications.

So you might have one right after another coming off an assembly line that putting six left .40 caliber barrels out to be put into these pistols. And they're going to have those same class characteristics, they are intended by the manufacturer.

However, as the tool wears during the making of that part, and as the gun is used after it is manufactured and sold, by firing, cleaning, abusing, misuse, etc., there are microscopic qualities in that are called individual characteristics. They're specific. Every one of us, if we were all given the same firearm in this

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room would treat it the same way and have exactly the same microscopic qualities or individual characteristics in our barrels after a hundred or a thousand rounds as an example.

Are they unique to the weapon? Yes. There are some characteristics that I look for under the microscope to be able to tell one bullet from another, from the source of another or to determine whether or not they came from the same source fire.

Q So in this case, were you able to examine the shell casings that you had been submitted and you had a total of 12; is that correct?

A Yes, that's correct.

Q Were those shell casings the same make and manufacture as the live round that was submitted to you?

A Yes, they're Federal and .40 S & W caliber.

Q Were you able to compare the bullets which are submitted to you, which are five in number, correct?

A Initially five.

Q And one later?

A And one later.

Q On the 11th.

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A On the 11th I had five submitted to me. And they indeed were observed to be jacketed hollow point design bullet and .40 caliber, and it had six land and grove impressions with a left twist.

Q And when we're talking about the five bullets, these are spent bullets, correct?

A Right. These are fired. They would not have the lands and groves of the barrel incrust upon them until they're fired through the barrel, yes.

Q Were you able to determine whether or not the five bullets that were submitted to you and the 12 casings that were submitted to you, were you able to draw any conclusions after comparing those items with the firearm that had been submitted to you?

A I was. In test firing the submitted firearm, I retained fired cartridge cases and fired bullets. That's what I microscopically compared to submitted evidence. I was able to determine that all 12 of the submitted fired cartridge cases have a sufficient quantity and quality of those matching individual characteristics for me to conclude that they were fired in this firearm.

Q So just so we're clear, the 12 cartridge cases, they're like we call casings, or what I call casings?

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A Yes.
Q The hollow kind of left over that gets thrown out of the ejection port, correct?
A That is correct.
Q And then were you able to, I see here on page two of your report, you number the bullets as QB 1 through 5, and then you also reference where, where they were discovered. Is this information that you received on the evidence packaging that each bullet was packaged in?
A It may or may not be on the package itself, but I get that directly from the evidence receipt that accompanies that evidence and packaging, yes.
Q So for QB 1, which is a copper jacketed hollow point bullet, .40 caliber, you have here from FPDVEH.108. What does that mean?
A Uh, that is in quotations, because I took it directly from the evidence receipt. And my understanding is that stands for Ferguson Police Department Vehicle Number 108.
Q Okay. And you have here a measure of 158 grams and CSU Number 7. What does that mean?
A The 158 is in grains, we measure in grains. And the CSU stands for Crime Scene Unit and

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that Number 7 next to that is their item number. So seizing detectives item number was given my laboratory specimen number QB 1. It stands for questionable, by the way. QB stands for questionable cartridge case.

Q And so the QB 2, 3 and 4, you indicate have been from the evidence receipt. It says from Brown's right side of back, right side of chest and right side of head. Those are all spent bullets that were seized by someone else and packaged and according to evidence receipt, were recovered from the body of Michael Brown, would that be what you're indicating?

A It is.

Q And then regarding QB 5, it says from roadway and your information was then that this bullet was received from a roadway or on the street?

A Yes, I had no further description of a specific location. Just what I noted there in the roadway.

Q And so after examining QB 1 through 5, were you able to make any, draw any conclusion about whether those bullets were fired from the weapon that had been submitted to you, the Sig Sauer?

A Yes, I was.

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Q And what were your conclusions?

A The first one listed specimen QB 1, apparently from Ferguson police vehicle was inconclusive. It had enough damage to its surfaces that I did not have enough of those microscopic characteristics to match to my test shots to determine that it came from the same source.

I did not have enough differences either to think or believe that it came from a different source firearm. So it is inconclusive for number one. However QB 2, 3, 4 and 5 had a sufficient quantity and quality of those matching individual characteristics in the rifling striations that we've talked about for me to conclude that they were indeed fired from this firearm.

Q Now, at a later date you were submitted another evidence item and asked to compare it to your QB, what's the gun called?

A QF 1 or the test shots are TB 1A and B, TC 1A and B, compared with my test shots.

Q Okay. Did you make a report after you examined this additional evidence item?

A I did.

Q And is this a copy of your report?

A It is.

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(Grand Jury Exhibit Number 34 marked for identification.)

Q (By Ms. Alizadeh) And Grand Jury Exhibit Number 34, I made copies of this report for the grand jurors.

So what was the additional item that was submitted to you?

A It was a copper jacketed hollow point bullet fragment. In other words, it was not the complete whole bullet, it was only part of that bullet. I note that it was one side of a bullet, all the way from base to nose. It was part, once part of a .40 caliber bullet. It had six lands and groves with a left twist represented and it was from 2909 Canfield, seized on September 3rd of this year.

Q All right. And you examined this QB 6, your QB 6 and were you able to compare it to the test shots that you fired from the Sig Sauer weapon that was submitted to you back on the 11th of August?

A I did make that comparison, yes.

Q And what, if any, conclusions did you draw from that?

A It had sufficient quantity and quality of those matching individual characteristics for me to

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conclude that this bullet was also fired from this firearm.

Q And the items that you tested and examined in this case, did you repackage them and were those submitted to property control for safekeeping and storage?

A That is the intended destination and, yes, I finished my examination, resealed the packages and put them in our vault on a shelf that is intended for the evidence to be forwarded to property control.

Q And just one more thing because I haven't seen the firearm that we're talking about in this case, but I recall from other cases I've had that sometimes the firearm has orange tape on the end of the barrel, is that still done when you are finished examining a weapon?

A It is. It's an extra measure. We talked about the zip tie earlier, I provide the officers, my department with bright orange zip ties and that is so it is readily visible to anyone that if the firearm is handled openly, especially in court at a later time, that that's highly visible and they know that it's safe.

I add in my lab when my examination

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is done, I added, my other examiners we add that bright orange tape to the barrel as well. It is nothing more than a visual indicator for you that what is being handled is safe and can't be fired in the state it's in.

Q So that bright orange tape I'm assuming is on the barrel of this gun that was placed there by you?

A Yes.

MS. ALIZADEH: Does anybody have any questions?

MS. WHIRLEY: I have just a couple. You want to go first?

: No.

Q (By Ms. Whirley) That bullet, the copper bullet fragment from 2909 Canfield, was that like a building that it was taken from or would you know?

MS. ALIZADEH: That's the next question.

A I understand it is another apartment in the area, but where inside that building I don't have specific knowledge.

Q (By Ms. Whirley) On first page of Exhibit Number 33, Grand Jury 33, poor condition of residue, what does that mean?

A When I look in the barrel, I simply note

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is it clean and free of any debris, is there residues. I'm not even certain what those residues might be. Sometimes it is dust from people carrying it, it gets clothing dust in it, sometimes it is from firing it. There is residues left behind. When you fire a cartridge, 100 percent of the gun powder isn't consumed, there is some partial burned and some unburn powders, sometimes they're left in the barrel, sometimes they just fly out of the gun and left in the nearby area.

Residue is simply that there was some debris in that barrel, but the barrel itself was not obstructed. It wasn't heavily fouled with multiple firings and build up of residues, it was simply a small amount of residue.

Q Okay. And the grain, like it's 158.0 grain, 177.0 grain, what does that grain mean, what are we talking about?

A That's a measurement much like grams and ounces and so forth.

Q Of what, though, what are we measuring?

A That is the weight of the bullet.

Q Okay.

A So specimen QB 1, I described as a bullet itself. The full weight of that bullet that was

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submitted to me was 158 grains.

Q And they're different weights because of what they went through once they were fired?

A Yes, and they're manufactured in different weights by manufacturers. Their starting weight might be, for example, 154 grains, but they might add weight because they retain wall material if they were dug out of the wall or something of that nature.

Or if it is a fragment, you might only have part of the full weight of the bullet. Sometimes that weight helps us determine a caliber, it didn't really come into play in this scenario.

Q The internal safety, what is that on this weapon, you said it has an internal safety?

A Basically what I mean is the parts in the firearm are designed so it cannot be fired unless you pull the trigger. If you drop it, it's not going to fire. If you hit on the hammer, you know, with something, it's not going to fire. It's designed not to go off unless you pull the trigger of that firearm.

Q So this weapon was fired 12 times; is that correct, based on your examination?

A For there to be 12 fired cartridge cases

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ejected in the area of this firearm as it's alleged, the trigger would of had to have been pulled 12 times.

Q 12 individual times?

A At least, yes.

Q Is that the difference between a semiautomatic and an automatic?

A Yes, an automatic you could hold the trigger back and it will continue firing until you release the trigger. So a fully automatic firearm might fire every cartridge available to it with one pull of the trigger, but this is not that kind weapon.

MS. WHIRLEY: I don't have anything else, thank you.

A You're welcome.

MS. WHIRLEY: Oh, no, I do. One more thing. I'm sorry you guys.

Where it says offense assault on LEW, which is Law Enforcement Officer.

MS. ALIZADEH: LEO.

MS. WHIRLEY: LEO, I'm sorry, which is Law Enforcement Officer.

A Yes.

MS. WHIRLEY: Where does that come, I

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mean, this is your report, is that some determination you made?

A No, actually, that is some of the, as I mentioned earlier, some of the case information that is provided to us on the evidence receipt that is submitted with the evidence. That case information is entered into our laboratory system, so different areas of the lab know what evidence they have to examine and so forth. And it is auto populated into our reports.

So it was submitted, again, on the evidence receipts that the offense is an assault on a law enforcement officer.

Q (By Ms. Whirley) Okay. You had nothing to do with that being determined?

A That's correct. Now, we will often get receipts from the same incident that might have different offenses listed. We, there's no real rhyme or reason to figuring out which one is accurate because we're not determining what the charges might be. So most often we go with what is either most commonly submitted or what is first submitted.

In this case the copy of receipts that I have most commonly are listing assault of an

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officer as the offense.

MS. WHIRLEY: That has nothing to do with your examination?

A That's correct. Our examination is done the same way regardless of what that offense is quite honestly. Sometimes there are non-offenses that are submitted to the lab and the examination remains the same.

MS. WHIRLEY: Thank you.

A You're welcome.

: We heard previously about this stovepiping, and how it didn't appear that there was any. Would that have to be taken off, would it have to be repaired for that gun to fire again if that was there?

A Good question. No, there is no physical repair needed for that. Basically the fired cartridge case becomes an obstruction to the action of that firearm. And a practiced user of that firearm can clear that because it's not permanently trapped. It is just kind of pinched in place. So if you pull the slide back and release that pressure, it can fall out or be caused to fall out. And then there is no impairment to the action. So if you let the slide go, the firearm would then

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again act normally.

: Is that the only type of reason that that firearm wouldn't go, or whatever, that you would be able to see? Like you always talk about if something obstructing like a hand or piece of whatever, the stovepiping is the only thing that you would be able to examine, it is not necessary for you to be able to tell exactly what happened and say it would be able to be fired, am I explaining myself correctly?

A I think I understand your question. Is there any circumstances where a firearm wouldn't function that I could tell, is that basically what you're asking?

: That's right, that you couldn't tell, you couldn't say no, that firearm didn't get stuck.

A No.

: There is no possible way that it would happen that way?

A I could not, you posed a good question. I can't think of a scenario where I could prove that something did not happen in the firing of the firearm.

MS. ALIZADEH: Officer , let me

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ask you a question.

A Okay.

MS. ALIZADEH: If the, in the firing of the weapon the cartridge has stovepiped and you said it kind of gets caught in that ejection port and the ejection port has a door to it, correct?

A There's an opening in the slide called the ejection port, but not a door per se that closes on that.

Q (By Ms. Alizadeh) Okay. But the cartridge gets caught in between something, correct?

A Basically the barrel itself where it's supposed to feed into, it can get caught against that and then when the slide closes on that, that ejection port is what might hold that fired cartridge case against the barrel to where it is kind of standing up out of there.

Q If that were to have occurred, could you look at that cartridge casing and see marks on it that might indicate that it had been stuck in the gun that way?

A And that's where I was thinking the answer might take me, but is it possible? Yes. However, because those marks are unpredictable, there may be marks on a cartridge case that I can't determine

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their origin.

So while it very well may have happened and there may be marks from being a stovepipe, it's also quite possible that it is not something that I could conclusively say were from a stovepipe simply because ammunition in a pocket with keys is going to get marked. Ammunition thrown in a drawer is going to roll around. I mean, they get marked in so many ways, same as anybody's jewelry or anything else that we have with a metal surface, it is going to have scratches and so forth to it.

And it's not in a uniform or explainable way for me to determine if it was or was not from that type of event.

Q Okay.

A Does that answer your question?

: Yes, yes.

A Yes, ma'am.

: . You said that when you received the gun from the evidence locker or the supervisor or whatever.

A Uh-huh.

That you saw blood on the gun.

A Okay.

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: This is kind of a two-part question. Tell me where on the gun did you see the blood and you cleaned it off yourself that you've testified; is that correct?

A Yes.

Could you tell me where you saw the blood on the gun and also in the area where the hammer is on the gun?

A Uh-huh.

: Was there any blood or human tissue that you found in that area as well?

A I don't take note of where I see the blood or any tissue because it will have been in photographs before it gets to me. It also goes for other examinations and sampling before it gets to me. So by the time I'm receiving it, all of that other testing and documentation has been completed and I don't have it as a concern in my part of the laboratory. I hope that you will find that answer from other witnesses, but I don't have those.

: Thank you.

A You're welcome. Yes, sir.

: . Going back to the stovepiping, I guess.

A Uh-huh.

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If that was to happen, would that be, would it come out as a bullet or does it come out as a spent casing?

A Good question. It could happen both ways. If the cartridge is fired and extracted out of the barrel and then it attempts to eject it out of the firearm, but it gets caught and trapped before it's able to clear that ejection port, you would have a fired cartridge case and it looks like a chimney or a stovepipe if you will, but if for some reason, and sometimes it is just random and there is no even reproducing it.

If the action fires that cartridge and successfully ejects that fired cartridge case, but it fails to properly feed the live cartridge from the magazine, in other words, it is designed to come up out of the magazine, go up the feed ramp and into the chamber, but if it bounces up off of that, the action can close and trap a live cartridge there as well.

Now, in either scenario, if you have something trapped, as I mentioned with , working the action is all you need to clear that and assuming you have more ammunition, feed the next cartridge and then continue to fire, but what you

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would have left behind on the ground next to you is different, you would have either the fired cartridge case that was cleared or the live cartridge that was cleared. Does that answer your question?

: Could you demonstrate how you clear a round with that particular firearm?

A Okay. If you grip that firearm, it has a grip and trigger guard, so if your finger is in that trigger guard, it is held pretty much like this.

Above that, on the back of the gun is where the hammer would be, okay, visible, external hammer, all right. So when you pull the trigger, there is single action and double action, only a double action trigger pull, it is a long, heavy trigger pull that also cocks that hammer and then releases it to strike the firing pin, okay.

If you fire like that, this pistol is designed for that slide then to come rearward. As it's coming rearward, the extractor or the hook pulling it rearward towards the ejector, which then hits and ejects it out the open ejection port of the firearm. Whereas that slide comes back, it is cocking the hammer as well, okay. Because this has a single action mode as well.

So that hammer will be locked back

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when that slide feeds the next cartridge and goes forward. So now you have a loaded cartridge in the chamber already cocked so your trigger pull is designed to be much, much less because you don't have to pull the full weight of it and cock it, you are only pulling enough to release. Okay.

To answer your question specifically, if it were jammed, you would simply maintain your grip on that firearm, most commonly with your other hand, but if it is incapacitate there are other means to do it, but grabbing that slide, taking the pressure off of that jammed live or spent cartridge case and getting it out of the gun and then letting it go, it should feed the next cartridge and being cocked and ready to fire, okay.

Can you talk about when a spent cartridge is ejected, what direction does it eject from the gun up, down, side ways, forward, back, whatever, and then about how far do you expect it to travel before it hits the ground?

A I'm asked that question, I'm sorry.

Is it pretty consistent the cartridges hit about the same area? The first question was direction after the ejection.

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A I might actually summarize the answer for the entire question you've asked, because I'm asked question a lot. It differs for every firearm, but since we are talking about a particular make and model here and a specific firearm, I will tell you that it's unpredictable even within a single firearm because you have different elements in play.

For example, if the firearm were even intended to send them in the exact same direction to the exact same distance every time, a simple turning of the firearm at any angle is going to change where those cartridge cases land and how far they go, but they're not designed to do that. They're really only designed to clear that weapon.

So sometimes they'll go good distances, sometimes they'll go short distances, like they're just dribbling out of the gun, sometimes they'll fly over the back of your head, sometimes they'll go to your right, straight up, forward, and things of that nature.

It is such an unreliable factor for determining where someone is positioned, for example, that we don't give any credence to ejection patterning, if you will. There is just too many variables that come into play, especially if you

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start dealing with a scene that intentionally or even unintentionally has been tampered with is to strong of term. It could be kicked, it could be stepped on, it could be carried by a car tire, it could bounce off of things and so forth. Final positioning of cartridge cases is something that we don't even consider.

: . Cartridge cases are very light, obviously, they bounce around. When they're ejected, they don't just roll, they often come out spinning, flying all of over the place, correct?

A Absolutely.

On a weapon like that with a slide that comes back and what I would say is pretty aggressive if you've ever seen it, it comes back pretty quick, pretty hard.

A Oh, yeah.

: Do you have any guess at what kind of pressure you apply to a slide like that, could you hold a slide like that back if somebody tried to hold the slide, is that possible, or would you expect a lot of damage to your hands, the gun?

A Surprisingly, it doesn't take as much as

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one would think. And the reason I say that is I'm not going to put my hand in the way. It comes back with a good deal of force. In fact, there are officers, you know, when we're issued these guns and first training on them that if they hold their thumb in the wrong place, you are going to hurt yourself.

Now that said, I have spoken to others who have been brave enough, if that's the right word, to use their thumb to try and hold that slide in place and they have been successful in firing that weapon and preventing it from cycling.

So I don't have any idea, I can't describe what amount of energies and forces it would take to do that, but I know that it can be done.

And that's a little surprise because when you see it, it looks like it comes back with an enormous amount of force.

A Yeah. In fact, what I can tell you is if I don't have a good way to describe this, but I'd rather have my thumb on it and against it and trying to hold it forward then behind it and away from it and not expecting it because it is going to hurt a lot more getting hit like that, than it is going to take to overcome the pressure that it's creating.

I guess even thinking while I'm

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speaking, the energy that takes that bullet out of the gun, is also equal but opposite rearward and that's the recoil.

So if you think about it, if the gun were to fire without any support from a human being at all, they would go an equal distance apart, but we're overcoming that in holding that gun.

So I'm thinking maybe it wouldn't take so much to prevent that slide from cycling. Suffice it to say, I know it's possible, I know it can be done and there is a wide range of ways to do that.

Do you have any idea what the opening, once cycle through one series, the hammer is now cocked, do you have any idea what the opening is between the back of that slide and the start of that hammer, is there enough to get a finger between, a thumb between there?

A Absolutely, it is a visible amount of distance. In fact, in the training of officers, when I first started a number of years ago, my first duty firearm was a revolver and it had an exposed hammer as well. And part of the training was if we were faced with a revolver or we're to lose our own revolver to someone else, was to jam the meat of our

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hand into that space so then that gun can't be fired.

So not only are you grabbing the gun, but you are preventing it from being fired back at you. So absolutely is there room to obstruct that whether you intend or not, it could be clothing, it could be whatever. Is there room? Absolutely.

So that raised another question.

A Yes.

So in that case, something were obstructing it other than the stovepiping, you wouldn't have to do this or do this with the slide to make it fire again. You would just have to remove whatever was obstructing that and then fire that without that added step?

A Correct. If you had the hammer obstructed and it did not fire, this firearm is designed to function with another pull of the trigger.

So if that obstruction is removed, it would have then fired. There are firearms that will only give you one opportunity, one pull of the trigger. If it didn't fire, then you have to work that action. This is not that kind of gun. This is one that if it doesn't fire once, pull the trigger,

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pull the trigger, pull the trigger, it might go off later.

: Just to be clear.

A Yes.

: If it were this type of situation, you have to do it this way or use your arm whatever to clear it, but not always. I mean, only for this situation would you have to do that if there was something else obstructing it?

MS. ALIZADEH: You are going like this, you mean the stovepiping situation?

: Yes, the stovepiping situation you would have to --

A Work the action.

-- work the action.

A To clear the obstruction.

: But if anything else you just have to move that from out of the way in order to still fire without, without the slide?

A Without working the action?

: Yes.

A Yes, absolutely correct. For example, he mentioned could you stick a hand between the hammer and the frame and the firing pin.

: You wouldn't have to

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redo.

A If you remove that hand, you're good to go.

MS. WHIRLEY: That stovepiping situation, would you actually lose the cartridge trying to clear it so that you could fire again?

A Well, if it is a fired cartridge case that is obstructing the action, you want to lose it, you want it out of the firearm, so yes.

Q (By Ms. Whirley) If it was feeding and never fired?

A Right, then you have got a live cartridge.

Q You want to clear it because it is in that standing up position, you would lose that cartridge?

A You would lose a live cartridge because it would automatically, it needs to load the next live cartridge. So you want to lose that as well.

Q And in this case you did not find any live cartridges other than the one that was in the chamber. Is that the other witness?

MS. ALIZADEH: That's not how it came to him.

MS. WHIRLEY: There were 12 cartridges that were used when the bullet was gone out of this weapon?

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A Correct, 12 fired cartridge cases were submitted and one live.

MS. WHIRLEY: That's what I'm asking.

A But I have no live cartridges submitted to me with documentation that they came from outside of the firearm or outside the magazine. In other words, not from the ground and not from the police car.

MS. WHIRLEY: That's what I'm getting at.

A I don't have anything submitted like that.

MS. WHIRLEY: So there is 12 that were fired, and one live?

A Correct.

MS. WHIRLEY: And so in a stovepiping situation when you lose a live cartridge, to clear it to get it to fire the next cartridge.

A Not, there is two different scenarios. If the fired cartridge case failed to eject and got trapped. The firearm might not necessarily have grabbed the next live cartridge to feed it. So in clearing it, you might not lose a live cartridge.

MS. WHIRLEY: But you would have to clear it?

A Yes, you would have to clear that, but if you have, the other scenario is if you failed to

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feed a live cartridge to clear that, you would definitely lose a live round. Yes.

: . Does a live cartridge have the firing pin strike on it so that it doesn't fire?

A In that scenario it should not --

: I think not.

A -- however, bad ammunition would be a reason a gun might not fire. If it doesn't have a priming compound or any powder in it because the manufacturer, you know, the machine skipped that one, then you very well may have failure to fire. And it wouldn't be a stovepipe situation, but then you would still have to work the action to eject that unfired live cartridge that would have firing pin impressions, although it is still unfired.

But in a stovepipe situation where a live cartridge was suspected to have failed to feed and had to be cleared, I would expect no firing pin impression.

Obviously, a stovepipe situation with a fired cartridge case, yes, I would expect a firing pin impression.

I was trying to figure out if tried to be fired, it did not strike --

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A Right.

-- it has been tried to be fired.

A Exactly. In all likelihood it never chambered properly and had no attempt to be fired before it jammed up the gun, which would then, is what I considered the failure to feed.

I don't even know if that cartridge even cycled through, it could have been left in the magazine, came out that way, you wouldn't know?

A Absolutely, I wouldn't be able to tell.

MS. ALIZADEH: Any other questions?

Well, at this time then, this will conclude the testimony of this witness. It is 2:11 p.m. needs to read something.

(End of the testimony of)

MS. ALIZADEH: This is Kathi Alizadeh. October 6th, it's 2:19 p.m. Present is myself, Sheila Whirley and 12 grand jurors. is the stenographer taking down what is being said and audio recording what's being said. And we have one more witness we're going to try to cram in today and that is Detective of the

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St. Louis County Police Department.

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Could you state your name and spell it for the court reporter, please?

A Detective , it is .

Q How are you employed?

A I am a detective with the Crime Scene Unit for St. Louis County.

Q How long have you been a police officer?

A Eighteen years.

Q And how many of those years have you been working with the crime scene unit?

A Over three.

Q And were you asked, were you asked to take some photographs of Ferguson Police Officer Darren Wilson in the course of the County Police Department's investigation that is documented in Complaint Number 14-43984?

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A Yes.

Q Okay. And do you recall the day that you took those photographs, the date?

A No, I do not recall the date. I think it was a Tuesday after the shooting.

Q Okay. And I'm going to hand you what I've marked as Grand Jury Exhibit Number 21. This is an envelope that contains some photographs. That's not your handwriting on the front, is it?

A No.

Q Okay. But seeing that there is a date, 8/12/14, do you believe that might be consistent with the date that you took the photographs?

A Yes.

Q Okay. And I'm going to show you then these photographs, these images that are contained in Grand Jury Exhibit Number 21, and each photograph has a computer marking that indicates the number of the image that was taken, correct?

A Correct.

Q And so if you look at each of these images, are they consecutive from number one being the first image, all the way to Image Number 21?

A Yes.

Q And then I'm going to just ask you real

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quickly to look through these too. Do these appear to be images that you took of Officer Darren Wilson?

A Yes.

Q Do you know where you went to take those pictures?

A It's, it is the office in Overland.

Q That the Fraternal Order of Police?

A Yes.

Q And these pictures appear to be taken inside, inside, correct?

A Yes.

Q Did you use any special lighting when you took this picture?

A Just the flash on my camera.

Q All right. And did you do anything special with the flash in order to insure that the, the image that you were taking was what you would see with the naked eye?

A Yes, I moved it up to the side so items submitted wouldn't bleed out or anything.

Q These images that you took, Images 1 through 21, these are the photographs that you took of Officer Darren Wilson?

A Yes.

Q Okay. And your purpose of taking these

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photographs, is that to document how his face and neck and head area looked on the day you were taking the photographs?

A Yes.

Q Okay. So we'll go through those later. And then also were you asked another time your Photograph Number 21, is this your placard that you prepared?

A Yes.

Q Does it have the date on it?

A Yes 8/12 of '14.

Q And your DSN ?

A Yes, ma'am.

Q So that tells you you took these photographs on the 12th of August?

A Yes.

Q And then the same thing were you asked to take some photographs on September 3rd of 2014 in relation to the investigation into the shooting of Michael Brown?

A I was asked to take the photographs and retrieve a projectile.

(Grand Jury Exhibit Number 35 marked for identification.)

Q (By Ms. Alizadeh) Okay. And so I'm going

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to show you Grand Jury Exhibit 35, which is an envelope. Is that your handwriting on the envelope?

A Yes, that is.

Q Okay. And did you examine the photographs that are contained in this envelope?

A Yes, I stamp the back of them.

Q Is there a total of 20 photographs?

A Yes.

Q Okay. And these were the photographs that you took of documenting your investigation on the September, what date did I say?

A 9/3.

Q September 3rd. So you were asked to go where to retrieve an apparent projectile?

A Canfield.

Q And that's in the Ferguson, City of Ferguson, correct?

A Yes.

Q In the Canfield Green Apartment Complex?

A Yes.

Q And so we have an aerial map here, which is Grand Jury Exhibit Number 25, and you said it is 29?

A .

Q Now, this building here Number ,

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has 2905 and 2909, looks like they're the southern most units?

A Correct.

Q This being south down here. Do you recall was the projectile that you retrieved at this location or was it at that location?

A which that is inverted.

Q So that's what I was getting at. These numbers are in the wrong place?

A Yes.

Q So actually where it says is actually unit ?

A Right.

Q You photographed the exterior of the building?

A Yes.

Q And the place that you retrieved the bullet?

A Yes.

Q The bullet?

A Yes.

Q And so when you arrived there, it was daylight hours?

A Yes.

Q Were you able to see on the exterior

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staircase of that building a demarcation or a defect in the wooden staircase that appeared to you that it might be the trail of a bullet?

A Yes.

Q Did you photograph that?

A Yes, I did.

Q And then did you find a defect in the wall of the exterior wall of that building?

A Yes.

Q And I don't have time, you know, I don't have time to turn on that goofy thing, I'm going to show you your Image Number 4. Is that the outside of the building that we're talking about?

A Yes.

Q Okay. And so each, the building and each building actually has this outer kind of wall that is kind of the staircase is behind that wall, would that be fair to say?

A Yes.

Q I don't even know to call that other than it is a wall that's outside of the staircase. And was it in this wall that you saw a defect?

A Yeah, the interior side of it, yes.

Q So on the --

A On the staircase side.

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Q On the stairwell side of that wall. So I'm showing you Image Number 6. Is that a photograph that shows that defect?

A The defect in the wall, yes.

Q Okay. And so when you are looking, and actually you are on the staircase, so you're looking at the inside of that wall, and that would be siding; is that correct?

A Yes.

Q And then you see this little mark right here, did you dig into the defect area?

A Yes, I did.

Q Did you have to remove any siding or did you --

A Yes, I did.

Q And what did you recover inside that siding?

A A projectile.

Q And did you package that projectile?

A Yes, I did.

Q And did you submit that projectile for examination at the St. Louis County Crime Laboratory?

A Yes.

Q Okay. And the Image Number 7 and Image

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Number 8, do those images show a defect in the wooden railing of that staircase?

A Yes.

Q And does that railing correspond to possibly the path of that bull lit might have taken before hitting the wall?

A Yes.

Q Where you found it?

A Yes.

Q And just really quickly showing you on these images on the wooden railing, which would be coming across right here going into the wall.

Now, when a projectile, if it trailed against that wooden part of the railing, could it change the path or the direction of the projectile as it traveled?

A Yes.

MS. ALIZADEH: Okay. I am certainly not going to keep our juror longer than he has to be here. If anybody has a quick question or two if they can ask it, otherwise, we can bring him back if there is more questions that need to be answered. Anybody have any questions for him?

No. If you think of other questions afterwards after today, I'll get him back here. I

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don't want to cut anybody off if there is any inquiry that needs to be made.

(End of the testimony of)

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State of Missouri
SS.
County of St. Louis

I, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

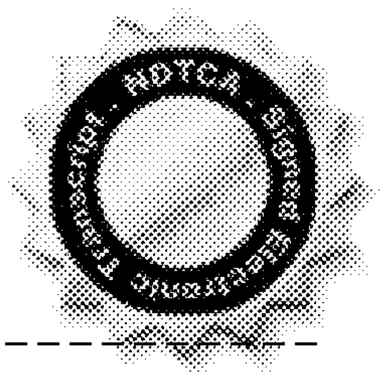
The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and

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is in all respects a full, true, correct and complete transcript of the questions propounded to and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.



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COURT MEMO

State of Missouri v. Darren Wilson

CERTIFICATE OF OFFICER AND
STATEMENT OF DEPOSITION CHARGES

DEPOSITION OF Grand Jury, Volume X

10/6/2014

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St. Louis County Prosecuting Attorney's Office
100 S. Central Ave.
Clayton, MO 63105

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IN WITNESS WHEREOF, I have hereunto set my hand and seal on this _____ day of _____

STATEMENT OF DEPOSITION CHARGES

Commission expires

_____

Notary Public

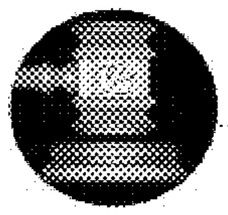
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Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume XI

Date: October 7, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 7, 2014

VOLUME XI

Electronically signed by a65d3976-6902-42dd-9536-f372c261b448

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 7th day of October, 2014, before

.

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APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley
Assistant Prosecuting Attorneys for St. Louis County
100 South Central Avenue, 2nd Floor
Clayton, MO 63105
(314) 615-2600

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GRAND JURY HEARING VOLUME XI

MS. ALIZADEH: Today's date is October 7th, it is 10:15 a.m. This is Kathi Alizadeh with the prosecutor's office. All 12 grand jurors are present this morning, as is the court reporter, , who is taking down the proceedings and also audio recording the testimony of witnesses. Sheila Whirley is here and will be in the room in a minute, but I wanted to just give you an idea of what we expect to happen today.

We're getting a late start because as Roseanne Roseannadanna said, it's always something. So we had some difficulties this morning that we had to hammer out and we do have two witnesses here this morning who are going to testify.

And they will, first one is going to be . He's right out here with Sheila. He's going to be walking in as soon as I give them the high sign and he'll, after his testimony is completed, then we will hear from .

If you recall, she made a statement that was recorded that she made to the County Police, we heard that yesterday. She also made another statement to the FBI, which we'll play after we're done just to give you an opportunity to hear that as

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well.

And so we also have witnesses lined up for this afternoon. This is just one of those things I never know if people are going to show up at this point. People call me and say, I don't think I can make it now. Well, I call you a cab. So I'm going to do my best to make good use of your time today.

I've got a couple witnesses who are police officers or technicians who I've already notified them to be available if I need to fill a slot if somebody doesn't show up. So hopefully we'll have stuff for you for most of the day today, okay.

Does anybody have anything to bring up, questions before we get started? All right.

,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Would you go ahead and state your name and spell it for the court reporter?

A My name is

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Q And how old are you, ?

A .

Q And do you live in the Canfield Apartment Complex?

A Yes, ma'am.

Q How long have you lived there?

A Since .

Q of this year?

A Yes, ma'am.

Q So you were living there back in August of this year, correct?

A Yes, ma'am.

Q I'm going to direct you to this map that I have here, which is marked as Grand Jury Exhibit Number 25. And this is an aerial view of the streets and the buildings that make up the Canfield Green Apartment Complex. Do you recognize the streets and the buildings?

A Yes, ma'am.

Q Can you use the laser pointer and show me what building that, are you living in the same building?

A Yes.

Q Same apartment?

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A Same building, same apartment, yes, ma'am.
Q Can you show me with a laser pointer what building you are in?
A I live in , which is here, the top floor,
Q Okay. Now, those buildings, are there three stories to each building, three levels?
A Yes, yes.
Q And so is there a basement level?
A Yes.
Q And so the apartment that's on the ground floor is the second floor?
A Yeah, there is a basement, which you have to go down the stairs to get to and then you have normal level, which is right up the stairs and my level, which is all the way up.
Q Okay. So your unit is is it on the front of the building?
A Yes, it is on the front, yes.
Q So this is Canfield Drive?
A Uh-huh.
Q And out here would be West Florissant?
A West Florissant, yes.
Q So just to help you with the directional, north is this way.

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A Uh-huh.

Q And south is that way. So would it be fair to say that your unit is on the west side of the building?

A Yes.

Q Okay. And, um, in August were you living with anyone?

A Um, with my now girlfriend.

Q ; is that right?

A Uh-huh.

Q ?

A .

Q How long has lived there with you?

A Since .

Q So she was there living with you back on August 9th as well?

A Yes, ma'am.

Q Okay. For the sake of trying to understand this, you were inside the apartment that day, correct?

A Yes.

Q So there are, are there windows on the west side of that building?

A Yes, there is. My door, there's my living room window which was open at the time and also my

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bedroom window that's facing the west.

Q Okay. So the door, meaning like the front door?

A Yes.

Q Is there a window in that door?

A No.

Q Okay. And then you have your living room window you said?

A Uh-huh.

Q Is that a sliding glass, is it a slider?

A Yes.

Q So the whole thing is glass?

A Yes, ma'am.

Q And then you have a bedroom window?

A Uh-huh.

Q Is that a slider or a regular window?

A It is a slider.

Q But, I mean, can you walk out of that?

A No, no.

Q What about your living room window?

A Yes.

Q You can walk out of that?

A Uh-huh.

Q So your bedroom window is just a regular window?

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A Yes.

Q Um, are there coverings on your living room and bedroom windows?

A Yes.

Q What kind of window coverings are there?

A Just regular blinds, my living room is vertical, they are little vertical blinds, my bedroom are horizontal.

Q Okay. And typically during the day would you have those blinds open or keep them closed?

A My bedroom, no, but my living room I do tend to keep open.

Q And on August 9th it was a hot day?

A Uh-huh.

Q Would you have had the windows open or closed?

A Open.

Q The windows would be open?

A Uh-huh.

Q You are not running the air conditioner?

A No.

Q And so the morning of the 9th, was there anything unusual that happened or that you saw or anything that you recall special about the day?

A No, that morning I happen to have been at

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work, but I left work early due to a complication with me and my manager. I left work early, went back home. I made it home around 11:11.

Q What time had you gotten to work, did you get to work like at the middle of the night?

A No, I got to work at 7:00 in the morning.

Q Okay. So you had left your apartment before then to get to work by 7:00?

A Uh-huh.

Q And then you came home and got home about 11?

A Uh-huh.

Q So when you got home at 11, was there anything going on that was special or that you noticed?

A No.

Q And this was a Saturday?

A Uh-huh.

Q And it was a sunny, bright day?

A Uh-huh.

Q People just about, out and about in general?

A Just a normal day. Some people outside, I recall someone barbecuing, just a normal day.

Q Okay. Was home?

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A Yes.
Q Now, had she been home the whole morning to your knowledge?
A Yes.
Q So she was there when you left for work and then she was there when you got home at 11?
A Uh-huh.
Q When you got home at 11, what was she doing?
A She was still sleeping.
Q Okay. Now, do you all have the same bedroom?
A Yes.
Q So your bedroom window is the same view?
A Uh-huh.
Q If she says in my bedroom windows, that's your bedroom too?
A Uh-huh.
Q And so, uh, and so when you got home at 11, what did you do?
A Um, I started playing games.
Q Video games?
A Yeah, started playing video games.
Q Were you in the living room or bedroom?
A In my living room.

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Q Okay. And from, were you playing, was there anybody else in your apartment with you?

A No.

Q Were you online playing with someone on line?

A No.

Q Just playing on your own?

A Just playing on my own.

Q And so did something happen that drew your attention to the outside?

A Yes, I heard shots, I heard gunshots.

Q About how many shots do you recall hearing?

A The first shots I would say around three or four.

Q Were these shots in like a succession, like boom, boom, boom, boom?

A Uh-huh.

Q Or were they like boom, boom, boom?

A No, it was succession.

Q Okay. So there was no real pausing between those shots?

A Huh-uh.

Q All right. Have you heard gunshots before?

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A Yes.

Q So no doubt in your mind when you heard that that was gunshots?

A That was gunshots.

Q You didn't think maybe it was firecrackers or anything?

A At first when I first heard, there were construction workers that happen to have been around here in front of my apartment. I thought it was them at first, but after the third and fourth shot, I realized it was gunshots. I thought they might have been hammers or something. I realized a hammer is not going to be that loud, that's when I realized it was gunshots.

Q So it was louder than you would expect if it were fireworks?

A Yes.

Q Or hammering going on?

A Uh-huh.

Q Now, you said these construction workers, can you use the laser pointer again and point out where they were working that day?

A Yes, the truck was parked here in our lot that I live in, and they were scattered between like the front of this complex and on the side here.

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Q Okay. Do you know those construction workers?

A No, but they had been out there for about a week or so.

Q About a week. Was it the same guys that were there each day?

A Yes.

Q How many workers?

A Two.

Q And did you ever stop and chat with them?

A No.

Q You didn't know them?

A Huh-uh.

Q Were they white or black?

A White.

Q And do you know what they were working on or what they were doing?

A I'm not sure. I know the pipes up under the ground, they were digging around there.

Q Okay. And so from your bedroom window then, I'm sorry, you were in the living room?

A Uh-huh.

Q So after you hear the three or four gunshots, what do you do?

A I get up and walk to the window.

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Q Are you talking about the living room window?

A Yes, my living room window.

Q Were the blinds open or closed?

A They were open.

Q So now when I think of blinds, they can be totally open so that there's nothing covering the window or they can be closed, but they can be adjusted so that you can see out?

A Yes, they were closed.

Q Okay.

A But adjusted so I could see straight outside.

Q Okay. So when you went to the window, were you able to see without moving them or did you move the blinds?

A I was able to see without moving.

Q Did you move the blinds at all?

A No.

Q And so when you looked out the window, what did you see?

A I saw a person holding hisself around here and had a hand up in the air and was, it looked like he was going to a knee or on one knee. I think he was going down to his second knee and he was

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falling. And from that point is when I seen him get shot and seen his head like jerk back and I seen him do that like three times and that's when he just fell face first. (indicating)

Q Okay. Could you see who was shooting at him?

A I could not see who was shooting at him. My view from here at my apartment I could see the person in the street about here, but my view of what was going on was obstructed by this building.

Q Okay. So when you looked out and you see a person, did you recognize him?

A No.

Q So you hadn't seen him before in the complex or anything that you recall?

A After finding out what was going on, I had in my memory had seen him around the complex, but during the shooting of what I seen, I couldn't recall anybody.

Q He didn't, it didn't mean anything to you when you first saw him?

A No.

Q You didn't recognize him?

A Huh-uh.

Q And we now know that the man who was shot

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in the street was Michael Brown?

A Mike Brown, uh-huh.

Q Did you see another guy out there, a shorter African-American, darker complected guy?

A From where I seen, Mike Brown was about here. I seen a person run across to here, across this way. (indicating)

Q Okay. Was he African-American?

A Yes, African-American, but I couldn't, him being so far away from me, I couldn't make out any details or facial details or hair or anything.

Q Okay. And how about clothing?

A I couldn't really tell, too far away.

Q Okay. And so he was running, when you first saw him, where was he when you first saw him?

A I just seen him run like, came from out the street and just streaked across this yard here.

Q This is like an open field, right?

A Yes.

Q Without trees or anything, you can see someone that's in this area, correct?

A Uh-huh, yes.

Q And so at the time did you have any idea that he had anything to do with it?

A No, at the time when I seen someone

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running, I just thought they might have been running away from the gunshots.

Q Okay.

A Just running away from the scene just to be clear to make sure that they didn't get shot and everything.

Q So when you first looked out the window and saw who we now know as Michael Brown.

A Uh-huh.

Q Were you, and you're looking from here and you put the pointer somewhere around this area?

A Yes.

Q Okay. Was his back to you?

A His back was, I would say, to me, but he's like in the middle of the street. And so I see like his side, like his side and his back, yeah.

Q But he's facing?

A He's facing.

Q This direction?

A Yes.

Q So you see him from behind, but you can also see a part of his side?

A Uh-huh.

Q So which side would that have been?

A His right side.

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Q Okay. And so from that view you said you saw that he had a hand across his body?

A Uh, he had his left hand across his body.

Q Okay.

A And his right hand was up in the air.

Q Okay. And so just so we can make sure that the jurors understand it and so I can explain it for the record, why don't you stand up.

A Uh-huh.

Q And do that what you just did again?

A His left hand was across his body. (indicating)

Q So you have your left arm about a little below your chest?

A Yes.

Q And almost reaching around to your rib cage on your right side, correct?

A Uh-huh.

Q And then your other hand, do that again?

A His other hand is like up in the air, but like out. (indicating)

Q So you have your arm, elbow is straight?

A Uh-huh.

Q Fingers are facing forward and up a bit?

A Yes.

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Q And I'm going to say that's probably maybe a 45 degree angle?

A Uh-huh.

Q You know, 90 degrees --

A Not straight up, yeah.

Q More like that, okay. All right. And so now when you first demonstrated that when you were sitting there you had your hand like that, it was more bent, the elbow was bent?

A Yeah, when he was up it was out, it was out more.

Q Okay. So why did you do that at first?

A Just showing.

Q Okay. So it's not that Michael Brown changed?

A No, he didn't change.

Q He didn't like go like this and then raise his hand higher?

A No, it was out.

Q The whole time when you first saw him it was like this? (indicating)

A Yes.

Q Which is extended out at a 90 degree angle away from in front of him?

A Yes, ma'am.

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Q And so after, when you first saw him, could you see any blood on him?

A No.

Q Couldn't tell if he was injured or anything?

A No.

Q And so did he move from that place where you saw him?

A No.

Q Never walked forward or backwards or spun around or anything?

A No, he was on his way down, he was on his way down.

Q Okay. So you say that he went down, I don't want to put the words in your mouth and I don't, I can't recall exactly what you said, but you said he went down like to one knee?

A Uh-huh.

Q And is that a yes?

A Yes.

Q Okay. So can you stand up maybe and if you want to walk out here so they can see what you are describing.

A When I looked out the window he was sort of in a position like this with his arm out.

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(indicating)

Q You're on your left knee?

A Uh-huh.

Q And then your right leg, the ball of your foot is on the ground and your knee is bent?

A Uh-huh.

Q Okay. And in that position he had his?

A He had his hand up and he was covering like this side.

Q Okay, okay. You can sit back down. And so now, to get the timeframe, you hear the three or four shots, you look out and that's what you see him going down to one knee. And then do you hear any more shots?

A Yes, I would say another four or five shots.

Q Okay. How much of a pause was there between the first set of shots and the second set of shots you heard?

A I would say maybe 20 seconds, 25 seconds at the most.

Q How long, now, when you heard the first shots, did you, were you sitting on the couch?

A I was sitting on the couch, yes, when I heard the first shots.

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Q Did you stay on the couch and just look out the window or did you get up?

A No, I got up and looked out the window.

Q So we talking a matter of a second or two for you to get up and go look out the window?

A Yeah, I would say around 20 to 25 seconds because at first, I'm sitting there playing the game when I heard the shots. At first I assumed it was the construction workers and then I realized it was gunshots.

At the time when I recognized that it was gunshots, I had just kind of sort of believed that someone had just been shooting or shooting up in the air because I have heard shooting before in Canfield. So I just sort of assumed that it was just something going on, but what kind of made me get up was like everything happened so fast, what kind of made me get up my mind it is like 12:00 in the afternoon, why are people shooting this early. So that made me get up and just look out the window to see what was going on, that's when I seen him down.

Q Okay. And so when you, there may have been 20 to 25 seconds before you actually go out to go to the window and see him?

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A Uh-huh.
Q And he's in the process of going down to his knee?
A Yes.
Q As you demonstrated, his left knee?
A Yes.
Q And what happens, you said you hear another series of gunshots?
A Uh-huh.
Q Is he still on his knee and with his hand extended in that manner?
A Yes.
Q Or is he going down when you hear more gunshots?
A When I heard the gunshots, the same time I'm hearing the gunshots, I seen his head jerk back and he came back forward and he jerked back again and that's when after that he fell face first on the ground.
Q Okay. And so what were his arms doing during this second series of gunshots?
A During the second series, this is when his arms kind of just fell.
Q Okay.
A When he jerked back at the time of him

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jerking back, his arms are falling and that's when the shooting stop, he fell on the ground.

Q Okay. And after he fell on the ground, did you see him move any more?

A No.

Q And what did you next see?

A Um, at this time after he fell on the ground is when I called my girlfriend. I said, , someone just got killed out here, someone just got killed.

At the time I'm thinking, I'm looking around. This is when I seen the young man run across the field here and I'm thinking someone just shot someone else or whatever. And it wasn't until I seen around three or four officers come from around the corner of this building is when I realized okay, that's when I say, the police just shot someone, the police just shot someone.

Q But that was an assumption you were making, correct?

A Yes.

Q You didn't see the police officer shoot anybody?

A No, I didn't see a police officer shoot anybody.

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Q Why is it that you would assume the police officer shot somebody?

A Um, because I felt at this time I wasn't sure if Mike Brown had a weapon and anger at the police officer or threatened him, may have caused the police officer to shoot him. It is just me assuming that the police officer being that close to a shooting that fast, that it was conflict between them.

Q I'm sorry. The fact that there were three police officers there very quickly, you drew that conclusion that it was a police officer involved shooting?

A Yes.

Q Or is it after when people were coming out and talking that you then learned that?

A No, it was at that time. Like I said, I just assumed that it was a police shooting.

Q Why wouldn't you think it was this guy because you said you saw him run after the shooting, right?

A Uh-huh.

Q In your mind you don't think man, that guy just shot somebody and run in the field?

A At the time of his running through here, I

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didn't see any officers in pursuit, so that's why I figure he was just running away from the scene and the officers were on the scene of what happened.

Q Okay. And so you see three officers you say, correct?

A Uh-huh.

Q When you looked out the window, did you notice those two construction guys?

A Yes. When I looked out the window I seen the two construction guys at this point, they were getting in their truck. They had been looking at the incident that was going on. After the shooting stopped, they got in their truck and they left.

Q Okay. That day, did you take any video with your phone?

A No.

Q Or any video camera?

A No.

Q Did you see other people outside after the shooting?

A Yes.

Q Did you see people taking videos?

A Yes.

Q Okay. Did you go outside?

A No, I went outside on my balcony and stood

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on my balcony.

Q You never came down to the scene or anything?

A No.

Q Um, and so you said you saw three officers?

A Uh-huh.

Q Did you recognize any of the officers?

A No, ma'am.

Q Do you know Darren Wilson?

A No, ma'am.

Q Did you recognize them as Ferguson officers, were they wearing blue shirts or brown shirts?

A Blue shirts.

Q Did you see any police vehicles?

A No, it wasn't until after everything was over I seen police vehicles pull up around here.

Q Okay. So how much after the shooting, how much time elapsed after you saw Michael Brown collapse in the street.

A Uh-huh.

Q Before you saw the three officers?

A Uh, 15, 20 seconds, not too long.

Q Okay. And all three officers appeared

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together or was it one officer and then another two came after?

A It was, it was one officer at first who came this way from off the street around like in this part of the grass here.

Q Uh-huh.

A I seen two more officers that came around the corner of the building like right off the corner of the building.

Q Okay. So they came around the building separately?

A Yes.

Q And how much time --

A One and then two.

Q How much time between the time you saw the first one come around the corner and when you saw the second one, the two come around the corner?

A Five seconds.

Q Okay. Um, so did you ever see any of the Ferguson officers approach Michael Brown's body?

A No.

Q Did you ever see, other than when they eventually removed the body from the street, did you see anybody move the body?

A No.

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Q Okay. Um, now you testified today that it was after the shooting that you said to hey, come see this, they just killed somebody or something like that?

A Yes.

Q You recall giving a statement previously, correct?

A Yes.

Q And you talked to a couple of female FBI agents?

A Yeah.

Q They come to your house?

A Yes.

Q And did you show them the window that you looked out of and what you saw?

A Yes, uh-huh.

Q And do you remember telling them that it was after the first few shots that you said, hey Emya, they're shooting out here?

A Yeah, as the shooting, as the first shots rang is when I got up to the window and then when I got to the window is when the second shots started to occur is when I called her.

Q Okay. So where was when you heard the first shots?

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A She was in the bedroom.

Q And you said that you normally keep the blinds closed?

A Yes.

Q And so when you said to or eventually said, you know, hey, what did you say to her?

A I said, , someone's out here shooting, someone just got killed.

Q And did she come out of the bedroom?

A Yes.

Q Or did she look out the bedroom window to your knowledge?

A To my knowledge she looked out the bedroom window first and then she got up and put some clothes on and then came to the living room where I was standing.

Q Okay. When the FBI agents came to talk to you.

A Uh-huh.

Q Was sitting with you when you talked to them about what you saw?

A Yes.

Q And did you hear the FBI agents talk to ?

A Yes.

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Q Now, did you hear told the FBI agents that she saw at least a part of this incident, correct?

A Yeah.

Q And is it your belief that she did not see part of the incident?

A Yes.

Q Okay. Why is it that you say that?

A Because her being in the bedroom, I'm not sure that she got up fast enough to see and look out the window to see what was going on.

Q So by the time she came out of the bedroom and came to where you were?

A By the time she came to where I was, the shooting was over.

Q Okay.

A Now, I don't believe, she was still sleeping when all of this was occurring, so I'm not absolutely sure that she got up at a time when I first called her name, that she got up and was able to look out the bedroom window and see anything.

Q But you were sitting with her when you heard her tell the FBI agents that she did see Michael Brown get shot?

A Yes.

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Q And, of course, you know, you're not in her head, so whether she saw it or not, we have to ask her that, correct?

A Uh-huh, yes.

Q But you were there when she told the FBI agents that she did see it happen?

A Yes.

Q Okay. And then also do you remember when the FBI agents were talking to you that you said that you watched Michael Brown take a few steps and then he was in the middle of the street?

A I don't recall ever saying he took two or three steps.

Q Your memory today he never moved from the time you saw him to when he went down to the ground. His body obviously moved, but he didn't walk in the street or anything?

A Yes.

Q Okay. So you don't recall telling the -- actually, looks like it was two men that talked to you?

A Yes.

Q That's and , two FBI agents?

A Yes.

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Q Do you recall they talked to you on August 16th?

A Yes.

Q Is that the first time that you talked to any officers or police?

A Yes, those were the first and only time that I talked to them.

Q You don't recall telling those two agents that, um, you observed Michael Brown take a few steps and then he was in the middle of the street, and then Brown dropped to one knee and collapsed face down and he stopped advancing. When he stopped advancing, the shooting stop?

A I don't recall ever telling them that he took a few steps.

Q Okay.

MS. ALIZADEH: Sheila, do you have any questions?

MS. WHIRLEY: Sure. At any time did you talk to the St. Louis County Police Department?

A No.

Q (By Ms. Whirley) Just to the federal FBI agents?

A Yes, ma'am.

Q Do you know if the St. Louis Police

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Department tried to contact you or not?

A I have no idea.

Q You never made contact with them?

A No.

Q They never made contact with you?

A No, ma'am.

Q Okay. If was in the bedroom, is it the bedroom facing west?

A Yes, the bedroom would be about here. (indicating)

Q If you were in that bedroom, would you be able to see what you saw?

A Yes.

Q And where were you, though, when you saw it?

A I was in the living room.

Q Where is the living room?

A The living room would be about close where this extends at.

Q Okay.

A Those are the steps and the living room would be right about the corner.

Q So both the living room and the bedroom face west?

A Yes.

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Q Okay. And you said you first heard a few shots and that's what brought your attention to the living room?

A Yes.

Q What were you doing in the living room before the shots occurred?

A Playing my video games.

Q Okay. So you were awake an everything?

A Yes.

Q You weren't taking a nap or anything like that?

A No, ma'am.

Q Okay. It was your impression that was sleeping --

A Sleeping.

Q -- in the bed? Hadn't even gotten dress for the day?

A Not yet, no.

Q Okay. Did you all have any children?

A Yes, my son lives in the house, my stepson, her son.

Q How old is he?

A He will be in December.

Q Was he home that day?

A Yes.

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Q Did he see any of this?
A No.
Q Where was he when all of this was going on?
A He was in the room sitting on the floor watching TV.
Q Okay.
A When that happened.
Q In the same room with you?
A No, with , he was in the bedroom.
Q Okay. He was in the bedroom with ?
A Yes.
Q And was asleep and he was watching TV?
A Uh-huh.
Q Did he run to hear and see what was going on with the shooting?
A He only got excited after me and her got excited about everything that was going on.
Q He wasn't really paying any attention?
A No.
Q Okay. So you hear the shots, you go look and you see and when you see Mike Brown, did you know Mike Brown?
A I didn't know him personally, no.

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Q But you had seen him around?

A I seen him around the complex. He had friends in the complex, I had seen him.

Q Did you know Dorian Johnson?

A No.

Q When you see him, you don't see him running at any point?

A No.

Q Do you ever see him charging at the officer?

A No.

Q And you said you couldn't actually see the officer?

A I couldn't see the officer, no.

Q You could just see Mike Brown?

A Yes.

Q When you saw Mike Brown, he wasn't running?

A No.

Q Or charging. Did you see a weapon on him?

A No, I couldn't see a weapon, no.

Q Okay. Could you see his hand?

A Yes.

Q Did it look like he was holding anything?

A No.

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Q It did not?

A No.

Q All right. And when you said he fell on one knee, was he like on the knee for a while or was it as he was falling down, he hit a knee first?

A That's how I was trying -- as he was falling down, he hit his left knee first. And then the second set of shots, and then that's when he was just on the ground.

Q So as he's, okay, some shots have occurred?

A Uh-huh.

Q He's falling down?

A Uh-huh.

Q Kneeling, in a kneeling position, he's falling down?

A Yes.

Q And then another set of shots occur?

A Yes.

Q Okay. So as he's falling down, he's getting shot is what you are saying?

A Yes.

Q But you can't see who is shooting him?

A I can't see who is shooting him, no.

Q Did he appear to be in an altercation with

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anybody at any point that you were, wait a minute, let me ask the question because he's got to take us one at a time.

A Okay.

Q At any point when you were watching Michael Brown, or the person who was shot, which is Michael Brown, did he appear to be in an altercation with anyone?

A No.

Q Do you know what I mean by altercation?

A A fight or.

Q Yeah, or some type of disagreement or anything?

A No.

Q You never saw anybody but him?

A Just him.

Q Okay.

MS. WHIRLEY: Anybody have questions?

MS. ALIZADEH: I just want one more clarification.

Q (By Ms. Alizadeh) So, do you remember telling the two FBI agents that after you saw Michael Brown collapse in the street, you observed a police officer approach Brown and shortly thereafter, other officers arrived at the scene, do

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you remember telling them that?

A Not that he approached him, but I seen the officer and then I seen two more officers.

Q Okay. And then do you remember telling the officers that when you had looked out the window, you observed Brown walking toward the direction from which the police officer came?

A No.

Q Okay. All right.

From the moment that you looked out your window and witnessed this and the time when Michael Brown's body hit the ground, about how long of a time frame would you say that was?

A Between me looking out the window and him hitting the ground?

: Yeah.

A I'd say the timeframe, probably about 45 seconds at the most.

Thank you.

Did you ever hear any yelling going on when all of this was going on?

A No, because my window was, the screen part, the door part was closed, I just had my blinds

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open, but I could hear the shots, but I didn't hear any yelling or anything.

: You couldn't hear any voices or anything?

A No, sir.

. At the time of the shooting, I know it happened very fast, did you notice what the two construction workers were doing, were they locked on the scene too, do you know?

A Yes, they happen to have been looking at what was going on and then as they were watching, they were loading up their stuff in their truck and they pulled off.

: You think they had a clear view of what?

A I'm not sure how clear their view was, but they were down on the ground, probably had a better view than I did.

MS. WHIRLEY: Show us again on the map where they were?

A They were about here. Their truck was on the lot, one was about here and the other one was about here closer to my building. (indicating)

Q (By Ms. Whirley) Okay. And this was occurring where?

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A The shooting was here.

Q Okay, all right. And you think their view was better than yours?

A I'm not sure, I'm not sure what they seen.

Q I'm talking about their view, not what they saw?

A Yeah, I assume them being down closer than I was, I thought they would see more than I would have.

MS. WHIRLEY: Okay. I didn't know if you were done.

: I'm done, thank you.

Could you see Michael Brown's face when this was going on?

A At the time I couldn't see his face, no.

And you said you heard gunshots in Canfield before, did that happen a lot?

A Um, I wouldn't say like a lot, like every night.

Okay.

A But every so often.

So you were there from February to August, would you say you heard it more than once or twice gunshots?

A Five or six.

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: Five or six in that eight months, seven months?

A Actually, two nights before August 9th, the night of August 7th there were gunshots that happened right in front of my building.

: Do you know if those were police involved gunshots?

A No.

: Was it with the residents?

A I think those were residents.

: Okay.

A I was asleep when I heard the shots, the shots woke me up. And so when I looked out the window, there was no one there, but police officers came and looking at the ground. I guess they were picking up shell casings.

: They were investigating a shooting and they weren't involved in it?

A Yes.

: And you said that you had an obstructed view of who was shooting, but you could see the field?

A Yeah.

: Could you see the whole

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thing?

A No, I couldn't see the whole thing because the building obstructs, but I could see part of the field.

You said you saw a man running?

A Yes.

Which way was he running?

A He was running this way towards the south. (indicating)

So he was running from Canfield?

A From Canfield Drive.

To maybe go to one of these places?

A Yes.

Can you tell me what that man looked like, can you describe him?

A I can't, I don't really have any details.

Okay. Like dark skin, light skin?

A He was black, yes.

: He was black.

A Darker skin than me, I could see it.

: What about his hair, did

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you see what his hair looked like?

A I couldn't see his hair.

: You couldn't tell if he had a shaved head or dreads or whatever?

A (Shakes head.)

Was he short or tall do you know?

A I couldn't tell you.

: Okay. I'm sorry, one more question.

A You're fine.

: And it is your opinion that you do not believe that saw the actual shooting.

A Yes.

Because of when you called her in?

A Yes.

That's it. Sorry, thank you.

MS. ALIZADEH: I just want to clarify and I'm not sure if I heard you well enough. When you said you saw the man running and you described for the jury the direction, did you say he was running towards his house?

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A No, south.

MS. ALIZADEH: Oh, okay. Glad I asked. . Is the bedroom adjacent to the living room, like can you stand in the living room and see through your living room?

A No, no. Like my front door is here, was straight into the living room, then my living room is pretty spacious and then there's a slight hallway and then my bedroom goes in, so it was right next to it, but there's a wall there so I can't see into the bedroom from the living room.

: So are you saying that you just assumed that wasn't up?

A Yes.

: Or did she tell you that oh, I got up when you called me?

A I'm assuming that she wasn't, that she didn't get up fast enough. I heard her get up, I don't think she got up fast enough to see anything that happened.

Did you all have a conversation, you know, what was going on, while everything else was happening outside?

A No, we just kind of sort of were caught in

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the moment of what was going on and talking to people and finding out what had happened. We had never really had a conversation about it, no.

At the time that you and , you say you were questioned by the FBI; is that correct?

A Yes, ma'am.

: And the FBI also came to your home; is that correct?

A Yes.

Was there one or two officers?

A Two.

: At that time was your testimony and testimony, even though you are at home together, you were there together in the same room, is that my understanding.

A Yes.

You could hear what was saying and she could hear what you were saying, is that also correct.

A Yes.

Was that both of your testimony, was it recorded as well?

A Yes.

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All right. I think that's about all I have.

MS. WHIRLEY: Let me clear something up, just about what said. You asked about something being recorded; is that right?

: Yes.

MS. WHIRLEY: You had a recorded statement?

A Yes.

MS. WHIRLEY: Okay, all right, go ahead.

MS. ALIZADEH: Let me just clarify. Because, when the FBI came and talked to you, it was two male officers, correct?

A Yes.

MS. ALIZADEH: And that was on August 16th?

A Uh-huh.

MS. ALIZADEH: And they came to your house?

A Yes.

MS. ALIZADEH: And was there when they talked to you?

A Yes.

MS. ALIZADEH: When the FBI talked to , it was two females officers, correct?

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A Yes.

MS. ALIZADEH: So that was on a totally separate day?

A Yes.

MS. ALIZADEH: Were you there will when the two females officers talked to ?

A Yes.

MS. ALIZADEH: They didn't interview on the same day?

A No.

MS. ALIZADEH: But you were present and heard the other person make their statements?

A Yes.

MS. ALIZADEH: And you heard talk to the female FBI agents and say she saw the shooting?

A Yes.

MS. ALIZADEH: And you now know that says that she didn't see it?

A Yes.

MS. ALIZADEH: Have you talked to her about that?

A Um, yes, briefly.

MS. ALIZADEH: Now, I'm just wondering, you know, all the uproar that has happened since this occurred.

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A Yes.

MS. ALIZADEH: You still live in the Canfield Apartment Complex?

A Yes.

MS. ALIZADEH: When you were talking to the FBI agent, did you feel pressured to say things that weren't true?

A No.

MS. ALIZADEH: Is what you told the FBI agent true?

A Yes.

MS. ALIZADEH: To the best of your recollection?

A Yes.

MS. ALIZADEH: And yet what told the FBI agents she is now saying is not true?

A Uh-huh.

MS. ALIZADEH: Is that right?

A Yes.

MS. ALIZADEH: Since the time you were interviewed by the FBI agents until you come in and testify today, have you felt pressure from other people to say something that you're not comfortable saying?

A No.

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MS. ALIZADEH: Okay. What about , has she talked to you about feeling pressure about having to come and testify about that day?

A Feeling pressure as far as me feeling pressure or her feeling pressure?

MS. ALIZADEH: About her, has she told you that she feels pressure?

A She never said that she feels pressure, she sort of told me that she felt, I don't want to say obligated, but so to speak in that sort of way she felt that she needed to say something.

MS. ALIZADEH: When did you first learn that really didn't see this, when did she tell you that she didn't see it?

A A couple days ago.

MS. ALIZADEH: A couple days ago. Now, you know that I talked to about her coming into court and everything?

A Yes.

Q Is it after I contacted her and told her?

A Yes, yes, yes, when you contacted, that's when me and her sort of had a sitdown, okay. You got to go to court and that's when she kind of acknowledged I really didn't, you know, I really don't want to go to court because I really didn't, I

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don't have any solid evidence of my eyewitness to it.

MS. ALIZADEH: So when she was giving her statement to the two female FBI agents and you were sitting there and listening to her say that, did you believe that she did see it at that time.

A Like I said at the time I was still having my doubts because I wasn't really sure.

Q (By Ms. Alizadeh) But at that time she didn't secretly tell you I didn't really see it, but --

A No.

Q You thought that she was telling the FBI agents the truth?

A Uh-huh.

Q And now she says it wasn't true, correct?

A Yes.

MS. ALIZADEH: Anything else? Okay. That will conclude, needs to say something.

(End of the testimony of .)

MS. ALIZADEH: This is Kathi Alizadeh. It is October 7th at 11:18 a.m. I'm present, Sheila Whirley is present, as well as all 12 grand jurors and the court reporter. And at this time we're going to play a recorded statement for you. It is a

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statement of that was taken or done by Federal Bureau of Investigation agents and this statement is contained on a disc that I have marked as Grand Jury Exhibit Number 36.

(Deposition Exhibit Number 36 marked for identification.)

Q (By Ms. Alizadeh) It is 21 minutes and 56 seconds in length. I have transcripts that I can pass.

I want to mention during the break before we began recording again, the grand jurors had asked if we could try to get a floor plan of the apartments, and we'll look into that if that can be done. Also I intend, I'm going to try to get some testimony from a witness who, as you heard the last witness, he said that they were interviewed at their home by federal agents. So it's possible that I could get one of them who has been inside the apartment to maybe describe, if we don't have a floor plan available.

And then also there was a question about topography, if there was any maybe topographical maps available. I don't know the answer to that, but we can see if we can find some.

I also advised the grand jurors that

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we have had some additional investigation done where we had officers go out to the scene as recent as last week and take photographs with a lens that would be as close to what the human eye sees as we can get.

In other words, it is not a zoom lens or anything like that and taking photographs from different vantage points because I gathered from some questions that had been asked previously that this might be a question that you have about, you know, can somebody be in a certain place and see what they are describing that they saw.

So I would probably call to introduce those photos. And as I mentioned before, if we may have a gap today with witnesses who might not appear. And so is standing by ready as one of my fill-in witnesses. So that might be something that we can get to this afternoon.

Also, yesterday, we had talk about taking photographs of Darren Wilson's face and then we also had him talk about taking photographs of him taking a bullet out of the side of one of the buildings.

And so we didn't have time for me to

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pass those photographs to you yesterday, so at some point today when we maybe have a break where there is no witness available, we'll get those photographs passed around and give you plenty of time to look at those.

Is there anything else or any other questions before we begin the recording?

All right. And at this time I'd ask to pause the audio recording while we're playing the statement of .

(Interview of is being played at this time.)

MS. ALIZADEH: It is 11:44. We just finished listening to a statement of . She's here and are we okay with bringing her on and getting her done so that we can break for lunch after she's testified, is that all right? Okay.

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q I'm going to stand back here as best I can, I need you to speak up, okay?

A Okay.

Q So that all the grand jurors can hear you. Introduce yourself to the grand jurors and spell your name for the court reporter, please?

A My name is

Q Okay. And , you know why we're here today, correct?

A Yes.

Q And we're here to talk about the shooting of Michael Brown?

A Uh-huh.

Q And what you know about that?

A Okay.

Q Now, you've given, how many statements

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have you given regarding this incident?
A Two.
Q And who did you give those statements to?
A To the FBI agents.
Q Both statements were to the FBI agents?
A Yes.
Q And as far as you know, were those statements recorded?
A Yes.
Q Okay. Have you ever talked to the police, the St. Louis County Police about this incident?
A No.
Q Was there any reason why you didn't talk to the police?
A No.
Q I mean, did you not want to talk to the police?
A Huh-uh, because I had already talked to the FBI agents.
Q And the first time you talked to the FBI agent, well, at some point you did talk to the police, didn't you, on the first day that this occurred August the 9th?
A Uh-huh.
Q Do you remember when it occurred on

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Saturday August the 9th?

A Yeah.

Q Did you talk to ?

A There was two.

Q You thought he was an FBI agent?

A Uh-huh.

Q You did talk to someone that same day that it occurred?

A Yeah.

Q A few hours later?

A (Nods head.)

Q And after that, you talked to --

A The two ladies.

Q Two women FBI agents later?

A Uh-huh.

Q At your home?

A Yes.

Q And that would have been on September 30th?

A Yes.

Q So a week or so ago then, right?

A Uh-huh.

Q That was very recent, most recent?

A Yeah.

Q You gave two statements, were both of

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those statements true?

A No.

Q Okay. We'll start there.

A Okay.

Q So was one true and not the other, or were they both not true? All we're looking for here is the truth. We're not here to embarrass you or to make you feel bad in any way, we just need the truth, this is very important.

A Okay.

Q Okay.

A Um, the statement that I made, it was with what my boyfriend saw. I just felt like I want to be part of something and what I saw was just lying, lying there at the end. I didn't see what I told the FBI what I saw.

Q Okay. And then how did you know what, was ?

A Uh-huh.

Q How did you know what saw?

A Cause when I was in the room, he called me and let me know what was happening and by the time I got to the window, everything was done. And then he just told me what happened because I asked him what happened.

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Q Okay. So that same day before anybody talked to the authorities, he told you what he saw?

A Yeah.

Q All right. And then I guess the police came around to talk to people?

A Yes.

Q That same day. Did they talk to before they talked to you?

A No, they talked to me first because he had left.

Q Okay. He left and did what?

A He went to work.

Q About what time the he leave and go to work?

A Like 7:00, 7:30.

Q Okay. So when the police, according to the information we have, it would have been around 5:00 in the afternoon?

A Uh-huh.

Q Was he there when the police came?

A No.

Q Okay. So he had left before 5:00?

A No, he was there at 5:00.

Q Okay.

A That's when they got his body up about

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like 5:15.

Q Okay.

A So he was still there.

Q Okay.

A And then his mom picked him up and he left.

Q His mother picked him up and he left around 7:00?

A Uh-huh.

Q The only reason why I'm questioning you on this matter it looked like around 5:06 p.m., would have taken your statement?

A Uh-huh.

Q I'm trying to figure out was at the house at that time when he took your statement?

A No.

Q So could your times be off?

A Probably.

Q Okay.

A Yeah, because he wasn't there, it was just me and my son.

Q You are sure he wasn't there?

A It was just me and my son.

Q Just you and your son?

A Uh-huh.

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Q So what's your son's name?

A

Q okay. So you and were there and the police came?

A Yes.

Q Did you go to them and say, hey, I know something, did you walk out?

A They were going door to door.

Q They were canvassing, going door to door?

A Yes.

Q When they came to you, tell us how that went down?

A They asked me did I see anything? And I told them, yes. And then he gave me what I could write all the stuff and also so he can record what I saw.

Q Okay.

A And he recorded it and then he left.

Q Okay. And you were telling him what you had told, what had told you happened?

A Yes, yes.

Q Okay. So then there was another occasion, well, first of all before I move on, I want to make clear what you did see.

A Uh-huh.

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Q So at what point did you go and see anything that day?

A I was, when I first heard the shots, I was in the room laying down, me and my son. And we just thought it was construction people, they was cutting down our trees and stuff.

And then when yelled that somebody get shot, and so I'm putting on my clothes. And by the time I get to the living room and look out the window, he was already on the ground.

Q He was already on the ground?

A Uh-huh.

Q Did you see any police officers or anything?

A Not at that moment.

Q You just saw him on the ground?

A On the ground.

Q Was he moving on the ground?

A (Shakes head.)

Q Did you keep looking out the window?

A Yes.

Q And this little pen here, see how it works? You push that button there. Show us where you were looking, what apartment you were at when you were looking out the window, can you tell from

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this map?

A This is my street.

Q You live on Canfield Drive?

A Court.

Q Canfield Court. Point at it with the little pointer, that's fine.

A Mine is right there. (indicating)

Q This is you. So you were looking --

A I'm looking out my balcony to the street.

Q Where did you see the body laying?

A Like right here. (indicating)

Q Okay.

A Right there. That's my driveway, it was driveway it is right there. (indicating)

Q Okay. And so you just saw the body laying?

A Uh-huh.

Q At some point did you see the police arrive or show up?

A Yes. There was like three officers that just came. About that time there was people rushing outside and everything.

Q Was it when you saw the body lying there, you didn't know how long Michael Brown had been laying there?

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A No.
Q Because you didn't see him when he fell or anything?
A No.
Q You didn't see him with his hands up or anything?
A No.
Q And you already told us, I don't want to say what you said, I'm going to have to ask you one more time, I want to be real clear. When the police came that first time you told them that you saw, but you really didn't, why did you do that?
A I just wanted to be a part of something and tell them what my boyfriend said because he wasn't there.
Q Okay.
A I didn't know if they was going to come back and try to talk to him, I just wanted his story to be out there.
Q Okay. And you made his story your story?
A Yeah.
Q You didn't tell the police, though, that this is what my boyfriend said he saw?
A No.
Q Did you give them his name to come back

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and talk to him?

A Uh-huh.

Q Okay. Did you realize when you were contacted by the FBI, what did you think then when they wanted you to tell them what happened, and that would have been, before I move on, this was September 30th?

A I was nervous. I didn't want to say nothing because I knew I really didn't see it, but then one of the ladies was like, I might as well just tell them and let them know what happened because they want to hear it. So I'm like okay, I might as well just keep telling them what I saw, what saw.

Q You didn't tell them that's what saw?

A No.

Q Has anyone threatened you or made you come here and say that you didn't see it when you really did?

A No.

Q Okay. Has anyone coerced you, you know what I mean by coerced, promised you something or said that they're going to do something to somebody in your family if you don't come here and say what

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you said?

A No.

Q Before?

A No.

Q So it's the absolute truth that you did not see it?

A Yeah.

MS. WHIRLEY: Questions?

MS. ALIZADEH: I have a few.

Q (By Ms. Alizadeh) , on the day that this happened, just a few hours afterwards, Detective came and knocked on your door and said, did you see what happened, anything that happened today? You didn't say, I didn't, but my boyfriend did. You said, I saw it?

A Yes.

Q And so then he said, would you mind telling us what you saw?

A Yes.

Q You are saying you just repeated what your boyfriend had you happened?

A Yes.

Q Did you guys go through that in detail before he left for work to make sure you knew the story?

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A No, he just let me know what happened, when he saw the shots being fired.

Q Did you discuss the position of his arms, or how many gunshots there were or anything like that?

A No, I could hear the gunshots, but I couldn't see them like entering his body, I just heard them.

Q I'm sorry, did you and , though, discuss like the positioning of his arms?

A No, he just told me he had his arms up.

Q He didn't tell you that he was grabbing at his side?

A Yeah, he told me everything that he saw from the side. From him kneeling, falling, everything.

Q Okay. So did know then on that day that it happened, did he know that you didn't see it?

A No.

Q Okay. And so several weeks go past and you know that the FBI and the Department of Justice and there are a bunch of people that are trying to get ahold of you because they want to talk to you?

A Uh-huh.

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Q And you knew that, right?
A Yes.
Q And you said you didn't want to talk to them?
A No.
Q And then, but at some point these FBI women came to your house, correct?
A Yes.
Q Now, did they have a warrant for your arrest?
A No.
Q Did they threaten you in any way?
A No.
Q Were they nice?
A Yes.
Q I mean, I've met them, they seem like nice ladies, right?
A Uh-huh, yes.
Q And was home when they were there?
A Yeah.
Q So he was there when they were talking to you, correct?
A Yeah.
Q And this is now several weeks later, you don't take the opportunity to go, well, I really

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didn't see it, but my boyfriend did. He can tell you what happened, but you didn't do that?

A No.

Q Before you talked to those ladies, they told you, didn't they, if you lie to a federal agent, it is a crime?

A Yes.

Q And you know that, right?

A Yes.

Q And when I called you, I called you last week about coming in and testifying, correct?

A Uh-huh.

Q And you said okay. We made arrangements for you to come in and then you had to reschedule, right?

A Yes.

Q You never told me on the phone, well, you know what, I didn't really see anything, right?

A Uh-huh, yes.

Q And so this morning you and came here and you had an attorney with you?

A Yes.

Q All right. Your attorney advised me that you were going to take the Fifth, in other words, you were going to invoke your right to incriminate

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yourself?

A Yes.

Q And you had discussions with your attorney about your, he gave you advice and you talked to him. I'm not asking you what you said to him or what your conversation was, but at the conclusion of that you decided that's what you were going to do, right?

A Yes.

Q And then at some point you were aware that I had gotten ahold of the Department of Justice and that the Department of Justice said they would give you immunity?

A Yes.

Q In other words, if you testified today truthfully, they're not going to charge you or try to prosecute you for any charges that may involve giving a false statement to a federal agent, you understand that?

A Yes.

Q Okay. So you are testifying here today based upon the promise by the Department of Justice that they wouldn't, they're not going to prosecute you for that?

A Yes.

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Q And I talked to you before you came in here today and didn't I tell you that look, it is not a crime per se to lie to a state official, we don't, I told you I wasn't concerned about that, I just wanted you to say what was truthful?

A Uh-huh.

Q Is that what you're doing today?

A Yes.

Q I know Miss Whirley asked you questions about anybody threatening you or pressuring you and you said no; is that right.

A Yes, that's correct.

Q And that includes , correct?

A Yes.

Q Did pressure you into saying, hey, you've got to say what I said happened?

A No.

Q You still live in Canfield Green, correct?

A Yes.

Q I know Miss Whirley asked you questions about anybody threatening you or pressuring you and you said no; is that right.

A Yes, that's correct.

Q And that includes , correct?

A Yes.

Q Did pressure you into saying, hey, you've got to say what I said happened?

A No.

Q You still live in Canfield Green, correct?

A Yes.

Q And you know that there's been a lot of tension, have you felt the tension?

A Yes.

Q You're aware that there's a lot of tension and especially focused right in your neighborhood, correct?

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A Yes.

Q Do you feel pressure, whether or not anybody came flat out that was threatening. I'm not asking you that because you said no, I'm asking did you feel pressure to lie to the federal agents or do you feel pressure to come in here today and say that you didn't see it when in fact you did?

A No.

Q Okay. So you're saying the reason you lied to the federal agents is that you just kind of thought you wanted to be part of it?

A Yes.

Q And that feeling was still continuing when let me ask you this when the federal agents were trying to get you to come in and talk to them, how come you didn't talk to them then if you still wanted to feel like you were a part of it?

A Cause I knew that I was lying and I didn't want to talk to nobody at all.

Q But you know then when they came to your house, that was your opportunity to say, you know, I don't want, I know it is a crime to lie to a federal agent, and I don't want to get myself in trouble. I just want to get, you know what, I don't want to lie, I'm going to tell you right now, I didn't

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really see it. You didn't do that?
A No, I was going to come in Monday to talk to you and that's when I was going to let you know. And then I had told that I didn't really see nothing and that's when he called the lawyer.
Q Okay. Do you believe me when I told you before you came in here that Miss Whirley and I, all we care about is that we get to the truth.
A Yes.
Q I'm not on anybody's side one way or the other. I told you we want witnesses to give truthful testimony regardless of what that testimony is, it just has to be the truth.
A Uh-huh.
Q Are you saying that your testimony today is truthful?
A Yes.
Q Anything else you want to add or --
A No.
Q -- or state now that you want to get off your chest or anything before we're done here?
A No, I just wanted to be a part of it, I just wanted them to hear what he saw because he wasn't there to let them know, that was it.
Q Well, you know that two federal agents

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came out and talked to him in August?

A Yeah.

Q So he had already given his statement too?

A I didn't know they was going to come back and talk to me.

Q Do you know anyone else in your community in the same spot that you found yourself in. In other words, that they maybe said something that they knew wasn't truthful, but they said it because either they wanted to be a part of something, or that they felt like they were pressured or they just wanted to go along with what everybody else was saying?

A No.

Q Have you talked to the neighbors in your complex?

A Yes.

Q Do you know anybody else who claims to have seen this?

A No.

Q So you've not had any conversations with somebody who said, yeah, I was looking out my window too, I saw it?

A No.

Q So you don't know if there are people out

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there who are saying that they saw it, but in fact, didn't see it?

A No, I don't.

Q Okay.

MS. ALIZADEH: I'm done.

MS. WHIRLEY: Questions?

(Lunch recess)

MS. ALIZADEH: All right. Good afternoon. It is October 7th, it is 1:46 p.m. I'm Kathi Alizadeh, present also is Sheila Whirley with the prosecutor's office, all 12 grand jurors are also present, as wells as the court reporter who is taking down what's transpiring in the room and also he is doing an audio recording to record what's being said.

And so the first witness we're going to have for this afternoon is . And he is a chemist with the s St. Louis County Police Department Crime Laboratory. Could you stand up, please?

Do you go by , you're not a detective or police officer, correct?

THE WITNESS: No, is fine.

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Could you state your name and spell it for the court reporter, please?

A

Q Can I call you ?

A Sure.

Q And, , where do you work?

A The St. Louis County Police Crime Lab.

Q What do you do for the crime lab?

A I'm a drug chemist.

Q And so what is your educational background that qualifies you to be a drug chemist with the crime laboratory?

A I have a bachelor of science degree in bio medical sciences from formerly known as Southwest Missouri State University.

Q And when did you receive that?

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A In May of 1999.
Q All right. And then did you have any other postgraduate work?
A No.
Q And so after you graduated from Missouri State, is it Missouri State?
A It is now Missouri State University.
Q Okay. That's in Springfield?
A Correct.
Q And then after you graduated, did you have any employment other than working for the St. Louis County Crime Laboratory?
A Yes, I did.
Q Where did you work?
A Missouri Statement Highway Patrol Crime Lab.
Q And so were you a chemist with the Missouri State Highway Patrol Crime Lab?
A Yes, our official title is criminalist.
Q Did you do work that was in your field of chemistry?
A Yes, I did.
Q And did you, how long were you with the Highway Patrol Crime Lab?
A Thirteen years.

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Q And after that, where were you employed?

A Then I started with the St. Louis County Police Crime Lab.

Q How many years have you been with the St. Louis County Crime Lab?

A One and a half years.

Q And so do you work as a chemist or a criminalist, but you do work in chemistry and analysis and chemical compounds for the crime laboratory?

A Correct.

Q Are you a certified or post-certified police officer?

A No.

Q Have you ever been a police officer?

A No.

Q Do you have any training as a police officer?

A No.

Q Do you have any certifications or any other, are there any other requirements that you received or passed in order to work in the chemistry county crime lab?

A The county and the Missouri State Highway Patrol Crime Lab as well are accredited, so I work

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under an accreditation.

Q All right. And so what, without sounding too obvious or moronic I would say, could you describe what chemistry is, the field of forensic chemistry?

A Forensic chemistry is in the drug chemistry, we generally it's powders, liquids, residues, plant material, pharmaceuticals, that we analyze and determine if they have controlled substances in them or not.

Q What about other types of things like, for example, poisons, would you analyze a liquid to determine if it had any kind of poisonous material?

A Not me, no.

Q So if say there was a substance that might be seized in a criminal investigation and it was suspicious that it was arsonic, is that something that you would examine and test?

A Not me.

Q Okay. So your field is strictly regarding the examination and testing of substances to determine whether or not they have contained controlled substances?

A Correct.

Q And controlled substances are drugs?

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A Yes, ma'am.

Q Okay. And then everything from prescription drugs to marijuana, to street drugs; is that right?

A Yes.

Q And so did you receive an evidence item in order for you to examine in relation to a St. Louis County investigation that is hopefully, or will be documented under Report Number 2014-43984?

A Yes.

Q What was it that you received to analyze.

A I received a bag that actually I believe was in a plastic container and then a plastic bag containing a plant material substance.

Q Okay. In general now, let's talk about how you get evidence items. How is it that they come to you?

A They are submitted, in this case since this is, this is submitted as a county, St. Louis County case. So it goes through property control division and then property control brings it up to the crime lab.

So it gets entered into the computer, the evidence is then placed into a vault and then --

Q A vault in the crime lab?

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A Yeah.

Q Okay.

A And actually, that's normal procedure. This one, I remember that it went through one of my co-workers. He was getting ready to work the case and I asked him, oh, what do you got there? And he goes, well, this is a case that needs to be worked, a rush case, do you want to do it? And he asked the supervisor, I said, that's fine, I can rush this case.

And he said, let me call the supervisor and the supervisor said yeah, if wants to do the case, that's fine, so I did it.

Q Now, when you began as a chemist or forensic chemist with the County Crime Laboratory, was there like an on-the-job training period or probationary period?

A Yes.

Q And how long did that last?

A Normally it would last six months and probation is one year, but since I had training through the Highway Patrol, it really was about two months here.

Q Okay. And so you were as qualified to examine this evidence item as any other forensic

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chemist in the lab; is that fair to say?

A Yes.

Q It wasn't like this was your first time doing this?

A No, not at all.

Q Okay. And so when this came in though, it was described or it was explained to you that this was something that they needed to have tested ASAP?

A Yes.

Q When you said it was rush, did you mean rush the test or just that it needed?

A We call them rush cases if it needs to be worked quickly.

Q Okay. But did you rush the test, in other words, did you go through the testing process faster than normal?

A No, I have my own pace.

Q Okay. So you have a wait for testing substances, isn't that fair to say?

A Yes.

Q It can be in the normal scheme of things it could be several weeks or even months before an evidence item that a police department brings in?

A Yes. We have a backlog so, by meaning rush, we were putting this case ahead of other cases

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that are waiting.

Q Okay. All right. Did you have, when you examined or brought out the evidence that was submitted to you, did it have an evidence sheet with the evidence?

A Yes, it did.

Q Okay. So when you, do you have a copy of that with you?

A Yes, I do.

Q The evidence receipt, we have heard a little testimony from Detective and Detective , who are crime scene investigators, about how they fill out an evidence receipt or an evidence sheet when they seize something. And they've described the chain of custody that must be completed on the bottom of the sheet.

So looking at the copy of the evidence receipt that you had with this evidence item, can you tell from there where this was seized from?

A Oh, it says that, well, it says who the officer is and the department, St. Louis County PD.

Q Okay. The officer who seized the evidence, does it give his name?

A Yes, it does.

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Q And who was he?
A Darren Wilson.
Q So Darren Wilson, actually, let me direct you, Darren Wilson is originally listed as the victim in this case, correct?
A Yes.
Q And then there is a Detective who is actually , a different person?
A Oh, okay, I learned something new.
Q There is a bit of confusion with the two ?
A Okay.
Q It says here location, seized and found. What is the location of where it was seized or found?
A St. Louis County Morgue.
Q And it gives the address 6059 North Hanley, where presumably that's where the morgue is?
A I assume that's what it list.
Q What was the date that it was seized?
A On August 10th, 2014.
Q Who was the seizing officer?
A Detective .
Q Do you know ?
A No.

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Q Don't know him?
A No.
Q So the remarks on the evidence receipt says that the evidence was sent to Property Control?
A Yes.
Q And that's kind of the procedure that you described, isn't it?
A Yes.
Q When a county officer seizes something and packages it, it first goes to Property Control, correct?
A Correct.
Q And then there will be signatures on the chain of custody that show really whose hands this item passes through, correct?
A Correct.
Q Do you know Officer ?
A Yes.
Q Is he an officer in Property Control?
A Yes, he is.
Q Okay. So his receipt that accompanied the evidence shows that at some point it was dropped off to the St. Louis County Crime Laboratory in their vault, correct?
A It doesn't look that it ever hit the

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vault, it looks like it went from Detective to another person that works in property control and then it went to another drug analysis it and that's when I took it from the drug analyst.

Q From Detective in Property Control, it then went to another officer in Property Control and from there it went to another analyst, drug analyst?

A Yes.

Q Who is that?

A .

Q Is the person you said, hey, what are you working on?

A Yes.

Q So from him signing it the evidence receipt, then it came to be in your possession, correct?

A Yes.

Q When it came to be in your possession or any time you get an evidence item submitted, do you examine the packaging to determine if there is any evidence that has been tampered with?

A Yes, if it looks like it has been tampered, make note of it and make some documentation.

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Q So in this case had you suspected or had you noticed on the packaging that there, for example, that the evidence tape appeared to have been cut open or that there was something odd about the way the evidence was packaged that we might suspect that it was tampered with, would you have noted that in your report?

A I wouldn't note as if, like if there's a piece of evidence from the officer and then maybe they had to go back in and reopen somewhere else, no, I don't note that.

If there was an opening to where it looks like the evidence could get out of the container somehow, or to where somebody could put something in, yes, that would definitely be noted.

Q Okay. And did you note anything of that nature in this case? Was there anything that appeared to you that the actual evidence would have been tampered with?

A No, no note of that.

Q All right. And so after you received this, let me ask you this, what day did you receive this evidence item?

A Um, on August 11th of 2014.

Q And so after you received it and you said

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it was in a plastic container, a baggy in a plastic container, I can't remember if you said that in here or you said that out there when we were talking?

A In here. So in my report it says one knotted clear plastic bag containing green vegetation. I have a note here that says, specimen Q1, full description above all contained inside sealed plastic container.

Q Okay. And that's how it appeared to you when you first got it; is that right?

A There would also be the outer container as well, which would be the manila envelope that it was in.

Q Once you open the envelope, that's what you saw a sealed plastic container?

A Yes.

Q Is the sealed plastic container the kind of container that crime scene detectives use to put things in when they are packaging them?

A It is what it appeared to me.

Q Okay. And then did you test the substance that was in that baggy?

A Yes, I did.

Q And did you make a report regarding your findings?

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A Yes, I did.

(Deposition Exhibit Number 37 marked for identification.)

Q (By Ms. Alizadeh) I'm going to hand you what I've marked as Grand Jury Exhibit Number 37. Is that a copy of report that you made in this case?

A Yes, it is.

Q Okay. I'm going to pass around copies of Grand Jury Exhibit 37.

So, , you list a description on your report, is that what you mentioned earlier, one knotted clear plastic baggy containing green vegetation?

A Yes.

Q Now, having been a chemist for over 11 years at this point, did that substance appear to be familiar to you?

A Yes.

Q What did it look like?

A It looked like marijuana.

Q Was there anything odd about it that you thought this was not your typical marijuana?

A No.

Q All right. And so what's the first thing you do after you receive this knotted plastic baggy,

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what do you do next?

A I weigh the substance.

Q Do you weigh it in the baggy or remove it from the baggy?

A I remove it from the baggy.

Q And so when you weigh it, you weigh it on a digital scale?

A Yes.

Q And are those scales calibrated on a regular basis to insure their accuracy?

A They're calibrate once a year, they're checked weekly.

Q Okay.

A They're checked with certified weights.

Q So when you weighed the substance that was in the baggy, could you remove all the substance in the baggy, every little leaf and every little --

A As much as I can get out of the bag.

Q And according to your report, you had a weight of 1.589 grams?

A Correct.

Q Can you describe for me maybe using some kind of familiar object, is this smaller than a baseball?

A Yes, a little bit smaller than a baseball.

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Not much, though.

Q After you weigh the amount of the marijuana and I see down here in your remarks there is a remark that you include about uncertainty of measurement. Do you all see that in the, close to the bottom? What does that mean, the established uncertainty of measurement due to balance utilized, what does that mean?

A We take into consideration any kind of factor that could make the weight slightly different than the 1.589. We take into consideration things such as the readability of the scale, the linearity of the scale, the stability of the scale, the sensitivity.

And so what we do is over a course of time we will analyze, we will take our weights that we normally have with our certified weights. And we will record, for example, you have a 1 gram weight and our scale reads out to 1.000. If you get a one point 1.001, and during your checking we write down 1.001, then that is documented.

Anything that's different than what the actual weight is, that's considered, there is a standard deviation involved. Calculating that and then you find that we come up with this 1.008 for

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this balance is the most that that scale would ever be off.

So basically what we are saying here with this K factor of three, we're saying that 997 times out of 1,000, this weight here of 1.589 will be right at 1.589 997 times out of a thousand.

Three of those times it might be 1.589?

Q And it could be .0008?

A Correct.

Q And that's important especially in cases with marijuana and other drugs when there might be a criminal legal implication depending on the weight of the substance?

A I would like to go back about that weight, just to make sure that we're clear on that.

It's possible that those three out of the thousand times could be outside the .008.

Q Okay.

A I think I did missay that. Basically statistics are involved, and we're 95 percent confident that 99.7 percent of this will be within the .008 of that weight.

Q Okay. And in this case, I mean, you know, maybe you don't know, I'll tell you the

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circumstances of how much this substance weighed is really not important or crucial, this isn't a scenario where we need to have over 35 grams to charge a certain level of offense.

So let me also ask you, when you removed the green vegetation from the baggy, did it appear that it was dry?

A Yes.

Q It wasn't wet or moist or sticky?

A Not that I recall.

Q And so then after you've waited, what do you do next?

A Then I perform a microscopic examination in that we look for characteristic hairs. I look for cystolith and silicotic hairs.

Q Say that again, you look for what?

A Cystolith.

Q Can you spell that for the court reporter?

A C-Y-S-T-O-L-I-T-H, and silicotic hairs, I believe that's S-I-L-I-C-O-T-I-C.

Q Okay. What are these things that you are talking about?

A So cystolith hair, it looks like a bear claw shape, tiny bear claw shape hair. It is characteristics to marijuana plants.

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Q Okay. And the other thing that you are looking for, what is that?

A Silicotic, they are more slender like hair. You may find that more on other substances, but knowing that's also on a marijuana plant. It is not as confirming as a cystolith hair.

Q So you are saying hair?

A Hair.

Q But it is not like animal hair or human hair?

A It is a plant hair, it is a cell.

Q Okay?

A A cell, it comes out of the surface of the plant. It is plant cellular material.

Q So this thing that you are looking at in a microscope is, in fact, marijuana, you would expect to see those things?

A Yes.

Q Did you see them in this case?

A Yes, I did.

Q Do you do any further testing?

A I do a modified Duquenois-Levine test.

Q Can you spell that for the court reporter?

A Modified?

Q Well, he can spell modified, what's the

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other word?

A Duquenois, D-U-Q-U-O-N-I-S -- E-N-O-I-S, I'm sorry. Levine, L-E-V-I-N-E.

Q What is that test?

A That's a chemical color test. That test for cannabinoids and it will turn purple with the presence of marijuana.

Q And did it turn purple when, is it like a reagent that you apply to the plant material?

A Yes, and it did turn purple.

Q Is that a presumptive test?

A Yes.

Q And do you do any confirmative testing after you've done that test?

A No, it confirms marijuana when you use the two test together.

Q Okay. So the microscopic examination which you saw the two hairs that you suspect marijuana and then the color test being positive, you conclude that this is marijuana; is that correct?

A Yes.

Q Now, , what is THC.

A Tetrahydrocannabinol.

Q Is that the active ingredient in marijuana

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that makes people, that it alters their, I don't know, whatever it does to you?

A Euphoria.

Q Euphoria?

A Yes, psychoactive.

Q Okay, that's a good word, psychoactive. So do you test when you have like what you suspect to be marijuana, do you ever test it to determine how much THC is in this marijuana that you are looking at?

A No, I do not.

Q All right. Do different samples, to your knowledge, different samples or different types of marijuana have different levels of THC?

A I would expect. I've never done one on marijuana.

Q You hear people talking about, oh, marijuana now is so much more stronger than it was back when we were teenagers or whatever. I don't know because I'm not an expert on that, so you believe that it is possible that different marijuana has different THC levels?

A I believe it is.

Q Are you familiar with a process that's done called waxing?

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A Yes, waxing is the same as butane hunting oil. Do you want me to describe that?

Q Yes.

A Okay. So what happens in this scenario is someone takes the plant material and they will --

Q So when you say plant material, it is marijuana?

A Marijuana.

Q You can't do this with your lawn clippings?

A No.

Q I guess you could.

A You could, but you probably won't get THC.

Q All right. So we've got some marijuana.

A Yeah, you take marijuana. It is usually in like a cylinder that has a hole in the top, a hole in the bottom. They will take butane, which is a liquid solvent.

Q Is this just common butane that you can get like at the hardware store?

A Yes.

Q Stuff you put in your lighters, the old fashion lighters that you had to put butane in?

A Yes.

Q Can you get the same butane out of like a

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Bic disposable lighters?

A Yeah, I would assume so, yeah.

Q Okay, all right, go ahead.

A So basically as it goes over the plant, gravity takes effect and it will absorb the resinous material, which is concentrated with the THC that will go out the exit hole and into a pan. So you have a nice little surface area there and they let that evaporate off and then you're left with a very sticky substance, which that is high THC content.

MS. WHIRLEY: Which is what the last thing you said about THC.

A Which has a high THC content.

Q (By Ms. Alizadeh) That's sticky substance, is it a combination of the butane and the THC that's been extracted from the marijuana?

A At first until butane evaporates off.

Q Will the butane evaporate off?

A Yes.

Q And so is what your left with almost pure THC?

A I don't know for sure. I haven't done like a quant on that.

Q But it is higher concentration than it would be in the plant itself?

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A Yes, definitely.

Q So if you're going to ingest, you know, smoke a marijuana joint, if you consume the same amount in that sticky substance, it would be way more THC than what was in that joint?

A You have taken the volume of plant material, let's say, the size of this paper and you are condensing it down to, you are taking the cannabinoids and you are condensing it down without the plant material matrix and all those steps.

Q Okay. This process that you talked about, is this something like anybody could do if they have the marijuana and then the right materials?

A Sure.

Q And then why do people do this process?

A I'm not really sure.

Q Okay. If someone, do you know how they then will consume or ingest the sticky substance that they've gotten?

A This is pure assumption, but I assume it is just like marijuana, marijuana is commonly smoked and marijuana can be ingested. And there are also those food items that contain marijuana that they come from Colorado and so forth.

Maybe they're finding ways of using

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the butane hunting oil to put it in those substances so it doesn't look like there is plant material in there.

I've also heard of lollipops that have THC on them. I would assume it would have to come from butane hunting oil, not marijuana. They can't put the marijuana plant in lollipops.

Q So you've heard of people consuming or ingesting this, you are calling it hunting oil?

A Butane hunting oil.

Q Butane hunting oil. You have heard of people ingesting that, correct?

A Heard of it.

Q If one were to ingest that, you would be consuming a higher level of THC than you would if you were to have smoked or ingested the plant material?

A Yes, you would.

MS. ALIZADEH: I don't have anything else.

MS. WHIRLEY: I don't have anything.

If someone is containing the substance that you examined, which was the marijuana, would there be like some type of detection that you could tell that they're on marijuana or using marijuana or would

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there be like a scent or something like coming from their body, within their skin. You know how you can tell a person is smoking because it is in their skin cells, but could you detect that?

A This is getting out of my expertise, but I have heard that officers are trained to, they know what the smell of marijuana, I've been around marijuana. I know the smell of marijuana myself.

As far as what to look for on a person, I mean, I've heard of like bloodshot eyes, I haven't heard anything about the skin, there probably is, there are probably some things out there.

MS. ALIZADEH: And just so you all know, obviously, we've talked about the fact that there is going to be other witnesses testifying that will at some point maybe have the expertise to explain this to you. We're going to have a toxicologist who testifies about his findings and he'll explain what that means or what he can tell you about that.

And then there also could be some other evidence that makes this make sense to you. It is kind of hard, I can't give you an open statement and tell you why I was asking these particular questions, it might not mean anything to you right

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now.

You mentioned that the normal procedure that it comes to an intake person and then goes to the vault and it would go to you?

A Correct.

Or somebody in your office, in this instance you said it did not go into the vault?

A No, it did not.

Is that because the rush was put on it, is that the only reason it didn't go to the vault or you wouldn't call this miss handling?

A No, no. Usually when this happens, I hear this on the intercom that, hey, would somebody, a drug chemist come up front. So that means the women who are accepting the evidence up front, there is being a rush requested and they are trying to assign it to a drug chemist right then and there instead.

Instead of putting it in the vault and when you have time to get to it, next on the list. First come first served.

A Basically they want it done right then a there.

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And on the scale, I just want some clarification, you said the most it could be off was 0.008 grams and that's, but then you went back and you said, that it could be outside of that amount three times out of a thousand.

A Yes.

You do try to error on the side of caution, but there is always three out of a thousand could be incorrect?

A Consider the way this was calculated when we determine that we were going to put a K factor of three on it, there's common K factors of two and three. And two is, would be 99 point, I think it is maybe 97 percent. I'm not real sure on that but I do know that K three is higher up, so it is 99.7.

So we're saying statistically we are 95 percent confident that 997 out of a thousand times that if you were to weigh this substance that many times it would be within .008 grams of that actual number we have.

Of the weight that you have listed here?

A Yes.

MS. ALIZADEH: Let me ask a question. I don't know if I was thinking that maybe this is what

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you were getting at, . I neglected to ask you this, when you looked at this evidence item that you were testing, can you test marijuana to see if there's butane on it?

A I don't think that there's any good way of testing that. My assumption, and this is just purely assumption, since butane would be a liquid, it would be wet, but I think it would be evaporated off at that point.

MS. ALIZADEH: You don't test for it in your lab?

A We don't normally test for it. Butane could be tested on instrumentation. I don't have a procedure, it's never been presented to me to test for it.

MS. ALIZADEH: Okay. So in this case you didn't test this substance to see if it had butane on it?

A No, I did not.

MS. ALIZADEH: And it appeared to you both in its texture and appearance it appeared to you to be dried?

A Yes.

MS. ALIZADEH: And containing no other --

A And if it was wet, I would of made a note

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of it.

I am going to ask if it did have butane on it, there would either be a sticky substance to the bag, it would be wet, there would be some sort of sticky substance at the bottom of the bag, but because it was dry and it was not wet, you determined just from the appearance of it that it would not be butane in it?

A That would be my assumption, yes.

MS. ALIZADEH: Without any real chemical test, this is just your assumption, correct?

A Just my assumption.

MS. ALIZADEH: And it was not tested at your laboratory to see if there was any butane on it?

A No, there was not.

MS. ALIZADEH: All right. Anyone else?

Do you have any sense for how long this process takes to make the butane from start to finish?

A I wouldn't think it takes very long.

An hour to a day?

A I'm sorry.

An hour to a day?

A I'm not very familiar with how fast butane

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would evaporate off. Sometimes, I believe I have heard that there have been fires associated and explosions because they may put out an ether odor to it to make the process faster, and yes, you could probably have that done well within an hour depending on how much butane you have to evaporate off.

It is hard for me to say exactly how long that would a take.

MS. ALIZADEH: Anyone else? Sheila?

MS. WHIRLEY: No.

MS. ALIZADEH: This will conclude the testimony of

(End of the testimony of .)

MS. WHIRLEY: October 7th, 2014. It is 2:38 p.m. We are resuming. I'm Sheila Whirley, Kathi Alizadeh stepped out, but she will be rejoining us. The grand jurors are here, also and we have as our next witness, . He'll spell his name for you in just a minute.

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q All right. , introduce yourself to the grand jury and spell your name, please?

A My name is

Q All right. , what is your occupation?

A I am a latent examiner for the St. Louis County Police Department.

Q What does latent mean?

A Latent is a term used for fingerprint. Bottom line is a latent kind of refers to a print that is when you touch a surface or object, your print that is left behind is referred to as a latent print.

Q What's a patent print?

A Patent print is a print left like in paint or blood or dirt, if you have some something on your hands or fingers and you touch a surface. For

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instance, if you have paint on your fingers, you touch the surface and you left your print behind in paint, that's referred to as a patent print.

Q All right. Are you a police officer?

A No, I'm a civilian employee.

Q How long have you been with the St. Louis County Police Department?

A It will be 25 years this coming March.

Q Did you start as a fingerprint examiner?

A No, I did not.

Q How did you start with the department?

A I started in security services as a security officer.

Q And then you moved to fingerprints?

A Correct.

Q What is that department, just the fingerprint section?

A It's a fingerprint unit.

Q Unit, okay. How many people are in the unit?

A A total of ten.

Q What did you have to do to become a fingerprint examiner, what type of training is required?

A I have been through the St. Louis County

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and the FBI fingerprint print classification. I've been through the St. Louis County Latent Training Program, I am a member of the Missouri and International Association for Identification, which are both associations that provide training throughout, through conferences every year that I attend for training for fingerprints.

I am also a certified latent examiner through the International Association for Identification and I'm also a certified AFIS user through the Missouri State Highway Patrol. And AFIS stands for Automated Fingerprint Identification System.

Q What does AFIS do, I mean, tell us a little bit about AFIS?

A Bottom line is, when a person is fingerprinted, those prints are put into the AFIS system. And then it would be my job to search those prints to see if I can find a match through the AFIS system.

Q Okay. What technical equipment, if any, do you use in your job in doing your latent fingerprint examination?

A With the AFIS, with the AFIS system basically I use magnifying glasses.

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Q So a lot of us we watch CSI and other programs, and we believe that computers somehow generate prints and tell us when there's a match and you see all of these numbers. You've seen these programs, is that the way it is really done?

A Partially yes, partially no.

Q Okay, tell us about it?

A Um, when I search a print, the AFIS system searches the print itself and then it gives me a candidate list. Of the candidate list, the computer is saying, for instance, if it comes back with 20 candidates. The computer says this is the closest thing that we have to what you just searched. And it is up to me to go into each candidate and do a one-to-one comparison to see if it is or is not a match.

So the bottom line is, the computer does not tell you it's a match, it just gives you a candidate list. It is up to the individual person to say this is a match or it is not a match.

Q How do you determine if it is a match?

A I check for the minutia points in each fingerprint. Minutia points or bifurcation, bifurcation, any ridges, ridge dots, ridge islands. And arrangement of these minutia points and each

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fingerprint is what makes the fingerprint unique to each person.

Q And unlike DNA, which identical twins can have the same DNA, correct? I mean, to your knowledge?

A To my knowledge, yes.

Q Right, I mean, that's kind of common knowledge, not that we know DNA here, but can two people have the same fingerprint?

A No.

Q Okay. And when you talk about the minutia points, are there a number of points you are looking for in making an identification of a fingerprint?

A The St. Louis County Police Department, we have a standard of eight or more points. So basically what that means is, if I get a partial fingerprint on whatever I'm looking at, if I can only find seven or less of these points, we deem that print insufficient. It has to have eight or more for us to say it is good evidence and then we go to the next step.

Q Okay. Any idea how many times you've made a fingerprint identification? I know I didn't tell you to look for that information, but do you have ever a conservative number, have you ever thought

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about it or looked at it?

A Uh --

Q More than 100?

A Probably hundreds of thousands for the last 21 years, yes.

Q Do you do palm prints also?

A Yes.

Q And tell us a little bit about palm print identification, how do you do that?

A Palm prints are the exact same thing as fingers. Your palms are as unique as your fingers. And actually, so also is the bottom of your toes and the soles of your feet have the same friction ridges and they're as unique as the your palms and your fingers.

Q Is it possible, like for you, right there to sit there and touch every surface of that little table or desk like thing you are sitting at, and not leave fingerprints?

A Yes, it is.

Q And how is that possible?

A There are several factors. The first factor is the person himself. Some people secrete their perspiration. What I mean by that, on your friction ridges you have pores. And you secrete

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your perspiration through your pores and it coats your ridges. So when you touch something, you could leave your print behind by that means.

Some people don't secrete that much, so they don't have enough moisture on their fingers or palms when they do touch something to leave something behind.

The other factors are the surface itself. Some surfaces are not good to get fingerprints off of. Another factor would be the weather. If I was processing these glasses and they've been sitting outside for the last week or two or three, any type of weather condition, rain, snow, heat, cold could possibly destroy a print that was left on there.

Q And so fingerprints are transferred from the person to the item. It has to do with the moisture in there, on their skin?

A Yes.

Q And some people, like who have very dry skin may not leave a print?

A Yes, that's correct.

Q Okay. So tell us how you compare fingerprints, a latent print with an ink print, how does that work?

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A I do a side-by-side with the aid of an magnifying glass and I'm checking for the minutia points, I'm checking for the quality of the minutia points and I just find a specific area to start from and just do my comparison from there.

Q And does someone overlook or oversee what you've done and agree or disagree, or is it just your determination, that's it?

A When I make an identification, yes, it is checked through another latent examiner.

Q Another examiner. That's kind of the standard procedure?

A Yes.

Q Okay. Now, you know why we're here, this is the Michael Brown shooting that we're talking about and you had occasion to check for latent prints; is that correct?

A That is correct.

Q And what did you do in that case?

A I received five latent lifts.

Q At this time let me just pass out some copies of things I have.

(Deposition Exhibit Number 38 marked for identification.)

Q (By Ms. Whirley) Why don't you take one

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and pass it around. This is what you have before you a copy of your envelope and then the lifts that are inside the envelope?

A That is correct.

Q We will let them get a copy and then we can talk a little bit about it. Are you the only one that worked this case?

A Yes.

Q Okay. You were told specific things to check for?

A Yes.

Q You checked to see if there were fingerprints is what I mean?

A Yes.

Q Were you brought a latent print that belonged to Michael Brown or did he have one in the system or how did you get his prints?

A You mean a fingerprint card?

Q Fingerprint card, yes, I'm sorry.

A They were brought to me from his deceased prints.

Q So tell us about that. Is this something that you've done before is check someone when you've got prints from a deceased individual?

A Yes, I've done that before.

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Q In what cases, like what type of cases would you be checking a deceased fingerprints?

A On deceased prints is usually, you know, a homicide or suspicious death or a person that is found dead, they do not know their identity and they take their prints and then we check them through the system to see if we can find who they are.

Q So someone at the morgue actually fingerprints the deceased?

A It is usually one of the crime scene detectives from St. Louis County.

Q Okay. Someone from the crime scene and then they provide that to you?

A Correct.

Q For comparison purposes?

A Yes.

Q And in this case, now, everyone has a copy, tell us, first of all, what things were you told, or are you told what to check for, because you don't know what to check for unless someone tells you; is that right?

A That is correct.

Q You are not investigating the case or anything?

A No.

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Q So what were you told to check for prints on?

A Well, when I received the envelope the first thing I do is I check each latent lift, and as I spoke of earlier, I check to see if each, if the latent print, if there is any good latent prints on the lift, if it is has eight or more points.

In the second, if I do find a print that is good, then I will check if we have any victim eliminations. I would see if it is the victim's prints or not. If there is any suspects in the case, if they have something listed as a suspect. If we have him on file, then I'll pull his prints and check them against the good print.

And I do that with each individual lift that I receive.

Q Okay. And the lifts are provided to you by crime scene detectives?

A Yes, that's correct.

Q So they visually, what they see visually is what they consider might be a print and they'll lift it; how does that work?

A That is correct.

Q Okay. All right. So they bring you, and in this case they brought you how many lifts?

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A Five.

Q Five. Were any of the lifts, did any of the lifts have enough points, and you said you need at least eight to even be sufficient enough to determine if there could be some identification of the print?

A That is correct.

Q Were any of them?

A Yes, three of the five were good enough to make, had eight or more points.

Q That would be, tell us which ones that would be, we have copies here?

A Lift A.

Q Uh-huh.

A Lift B and lift E.

Q So C and D were insufficient to even determine an identification?

A Correct.

Q All right. So going back to what you were told to look for prints on, tell us what that was, what items were you looking for? It is probably on the evidence sheet like, go ahead.

A Are you referring to the lifts or you referring to the evidence sheet?

Q You tell me, let me ask the question. The

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lifts, were they to, these lifts come from items that's on the evidence sheet?

A No.

Q Tell us where the lifts came from?

A The lifts were delivered to our office by Detective

Q Okay, all right. Were you supposed to be seeing if they were fingerprints on any of these items that are on the evidence receipt?

A On the evidence receipt, yes.

Q Tell us about that, that's what I'm trying to get to.

A Okay, I'm sorry. The evidence receipt was brought in to me by Detective . And it was the gun belt of Officer Wilson, it had handcuffs, your normal belt, the handcuffs, baton holder, the walkie-talkie holder, there was no gun in there, the holster, five keys, handcuff keys, two magazines that, two fully loaded magazines.

Q And this was all on the gun belt?

A That is correct.

Q So the gun belt was brought in to you?

A Yes, it was.

Q Is there anything on here about, what's the spray called, mace, is there anything, was there

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any mace can or mace holder or anything on this gun belt?

A No, huh-uh, not that I recall.

Q What's on the evidence receipt is supposed to be everything that you looked at correct?

A Correct.

Q All right. So what were you supposed to be doing with this gun belt?

A Uh, I use a chemical called Super Glue on this. Basically what we do with Super Glue is I take all the items, I put it into a Super Glue chamber. Uh, put a little bit of Super Glue in the bottom of a cup, turn on the Super Glue machine. The fumes from the Super Glue will adhere to any prints that are left behind on that surface. And then once the cycle has run through, I will pull out the items, and check to see if there is any latent prints on there.

Q Okay. And you did that on all of the items?

A Yes, I did.

Q And on the three that you had sufficient enough points, a sufficient number of points, were you able to make an identification?

A Can I clarify something?

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Q Yes, please do.

A The evidence, the fingerprints that were good enough to make ID were from the police car, not the gun belt.

Q I see. Copy of this envelope, the five lifts that Detective dusted and lifted, that's where the good prints were.

Q Okay.

A Of the items brought to me that I processed, were no identifiable prints.

Q Okay. And did you have, just to make sure I'm clear, were you not supposed to check the Michael Brown prints that were lifted, right? You had a sample of his prints, correct?

A Yes, but when you say lifted, it is more fingerprinted.

Q Fingerprinted, thank you.

A Uh-huh.

Q You were not asked to compare Michael Brown's fingerprints with the officer's gun belt?

A I was if there was any good prints to compare it to and there was none.

Q There were no good prints?

A On the gun belt.

Q Got it. I'm going to reiterate just to

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make it clear. There were no fingerprints that were of sufficient number, as you talked about, to make any kind of comparison; is that correct?

A That is correct.

Q On the gun belt?

A That is correct.

Q You would call that negative prints?

A Yes.

Q That doesn't necessarily mean there were no prints, it just means there wasn't enough for you to make an identification?

A That is correct.

Q Okay. Now, for the car, which is what this represents; is that right?

A That is correct.

Q Okay. So let's talk about the car. Where prints were lifted, is that the exterior left front door?

A Yes.

Q All right. And this is where there were three prints that had sufficient number to make an identification?

A That is correct.

Q Who did the prints come back to?

A On Lift A, I was able to identify Officer

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Wilson's print. Lift B and E are good evidence, but have not been identified to anyone as of today.

Q Okay.

A Lifts C and D are insufficient.

Q So on lift B and E, they did not come back as identifying Michael Brown?

A That is correct.

Q Okay.

MS. WHIRLEY: Questions?

. So these tests, you talked a little bit maybe about the life expectancy of the print. If it is not identified as Darren or Michael Brown, how long or how much earlier do you think those would have lasted? Say it would have happened that morning, would it be something from a previous day or any thoughts if those are not those two prints, when those might have been put there, any idea?

A Really, no idea. On cars it is very difficult because, and I don't know how the Ferguson Police Department, how they, how their cars, how many guys go in and out of their cars or if they share their cars. It is kind of difficult to say.

: Thanks.

MS. WHIRLEY: Anyone else?

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Did you say what date you did your examine?

A On which one, ma'am?

The car.

A I received, I did my examination on August 11th.

11th?

A Yes, ma'am.

The prints were lifted the day of, correct, or no?

A On the envelope he has August the 9th as the date. I don't know if that's, sometimes that's the date they do it, sometimes that's the date of the occurrence. Detective is the one who filled this out. August 9th is the date that he has in the corner here. Like I said, it is either the date of the occurrence of the offense or it is the date that he actually processed the car.

So lifts B and E were good prints, but they did not match but you had prints of Michael Brown?

A That is correct.

. And they also didn't match the police officer or you would have put that on, right?

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A That is correct.

Have you run those two prints through AFIS to see if they match anybody that would have been on the scene?

A Yes, I have.

And they didn't match anybody that could have been there?

A No.

And I doubt we have any reason to suspect, but as Dorian Johnson was present, do we have the ability to test for his prints to see if those are his? Maybe that's not a question for you.

MS. WHIRLEY: Dorian Johnson, was he tested against?

A I was not given that name to check.

Thank you.

MS. WHIRLEY: .

Would his prints be in AFIS if he had been arrested at some point?

A Yes, they would. There is something on the AFIS system, the AFIS system is not perfect. It is only about a 65 percent hit rate. So, in other words, I'm in the AFIS system. If I leave my print behind and I search that print, 65 percent of time

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it is going to hit and 35 percent it is not going to hit. The factors that come into play, and the biggest factor, the two biggest factors of that is quality of the latent print.

If I touch something on my tip and I leave enough minutia points of eight or more in order for that to be a good print and I search that, now when I got fingerprinted. They may not have fingerprinted my tip. So that tip may not be in there. So there's factors that do come into play.

The bottom line is, the system is not perfect. Just because the person is in the system and I search a print knowing, if I know that person is in the system, it still may not hit.

The only way to say whether or not these two that were evidence, could be, that were real good prints, but not Michael Brown's, to see if those were Dorian Johnson's would be to fingerprint him?

A That is correct, to check his prints.

MS. WHIRLEY: Or if you had a card, you would just need to look at it visually. You could not count on AFIS?

A Correct.

MS. WHIRLEY: You could do a visual

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comparison?

A I would do a one-to-one comparison on it. Do you know what percentage of the population are nonsecretors?

A I have no idea. Did they ever give you the gun to fingerprint the gun?

A No, ma'am. Never.

MS. WHIRLEY: Do you know if anyone was asked to fingerprint the gun, is this something you would know?

A I don't know off the stop of my head. I would think that they would bring it to -- since they brought the gun belt and everything down, I think they would bring the gun to me, but I don't know that. Just to comment on a question for you, but I do remember that they specifically went the DNA route.

MS. WHIRLEY: Anyone else?

Kathi, since you don't know what we've covered. I don't know if you have any additional questions though.

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MS. ALIZADEH: I do not.
MS. WHIRLEY: Okay. Anything else before we let go? I thank you so much,
(End of testimony.)
MS. ALIZADEH: This October 7th at 3:21 p.m. I'm present, as well as Sheila Whirley, and 12 grand jurors are present, as well as , the court reporter. And we've had a little break and I just want to put on the record that during the break there was some discussion, but it was primarily about logistics and scheduling and planning. There was really nothing discussed that had to do with any substance of the case and the evidence that has been presented.
Would you all agree with that, we didn't talk about the evidence?
(All indicate yes.)
MS. ALIZADEH: So for now we are going to resume this afternoon and we would first start off by playing a statement by a witness named
I expect that she will be here a little later this afternoon. And this is a statement that made to County Police officers on August 13th, and the statement is recorded and contained on Grand Jury Exhibit Number 24.

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MS. WHIRLEY: It says August 11th on here.

MS. ALIZADEH: Make sure you all have a statement that has August 11th on it.

So everybody has their transcript? And at this time, if you will pause the recording. We will then begin playing the recorded statement.

(Playing the interview of)

MS. ALIZADEH: It is 3:51 p.m. on October 7th. We just finished listening to the recorded statement from Does anybody need to hear that or a portion of it over again? I really, as you all notice it was, I would say poor quality recording. Difficult to hear at times.

So if there is a time when you want to review that again, you have difficulty hearing that, just let me know, all right.

And now we're going to play another recorded statement for you. And this is the statement of . And this statement was done on August 13th and it is about 21 minutes, a little over 21 minutes long. And at this time I'm going to hand out the transcripts for this statement. So this statement is recorded and

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contained in a file on the disc that is marked Grand Jury Exhibit Number 24. At this time, , go ahead and pause the audio recording while we listen to the tape statement.

(Playing the audio recorded statement of)

MS. ALIZADEH: It is 4:15 p.m. and we just finished playing a statement of . We have another statement that we can start playing. I'm not sure if the are here yet and we also have another witness who might be here, but do you all need to take a break?

(Recess)

MS. ALIZADEH: Next statement is about 23 minutes. It is the 7th of October. We just took a brief break. This is Kathi Alizadeh, present is Sheila Whirley and all 12 grand jurors and the court reporter.

So I have learned during the break that one of our witnesses who the cab was to pick her up at 4:00 says that she, she missed the cab, so we sent the cab back for her. I don't know if she's gotten on the cab or not, but we're going to go ahead and play a taped statement now. There's also are supposed to be on there way.

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She told me she was off work at 4:00. So I said as soon as, you get off a little earlier great, as soon as you get off, come here.

So hopefully this will be about 23 minutes. We will play this statement and I will tell you that if nobody is here by then, that we'll probably just recess. I can't say for sure these people are even on their way.

So I'm going to pass out a transcript of the statement of Witness 34, which was done on September 3rd.

Everybody has the transcript. if you will pause the audio recording.

In getting ready to listen to this transcript, I mentioned that the witness name is Witness 34. This is another witness that I anticipate we will be referring to as a number as is very fearful for his safety if his identity is known.

So when you transcribe this, I will ask you, , to use a number for the witness that we will assign once I figure out what number will be.

And then we will also have to have that somehow edited out of the audio so that these

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audiotapes, name is not used.

So we're not recording now, but in the future I'll refer to as witness number blank, which I've got to look at my list and see what number would be. So at this time we'll go ahead and play the recording. And this recording is on Grand Jury Exhibit 24.

(Interview of Witness 34 is being played at this time.)

MS. WHIRLEY: The recording of Witness 34 is completed and it is approximately 5:09 p.m., our time on October the 7th, 2014. We're going to just pause the recording. I'm going to see if there are any witnesses that we have planned that have arrived at this time.

(Recess)

MS. ALIZADEH: It is 5:18. This is Kathi Alizadeh, Sheila Whirley is here, all 12 jurors and , the court reporter, who is taking down everything that is being said. And we have our next witness here to testify.

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, of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Could you please state your name and spell it for the court reporter?

A , last name , .

Q Okay. You have a very nice, clear voice.

A Thank you.

Q So you're doing a good job making sure everybody can hear us. The microphone isn't going to amplify, it is just recording. So just keep your voice up.

I'm going to direct you over here. This is a map that we have and it is labeled Grand Jury Exhibit Number 25. I don't know why this is crooked, but it is. So do you recognize the roads and the buildings that are on this map?

A Yes, ma'am.

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Q Okay. So let's, we're going to use this laser pointer as we're talking about things on the map. And you can use that to point so that you don't have to get up and move around and the grand jurors can see what you are pointing at, okay?

A Yes, ma'am.

Q how old are you?

A years old.

Q And are you married or single?

A Single.

Q Are you do you have fiancee?

A Yes, I have a fiancee.

Q Who is that?

A

Q And do you live with ?

A Yes, ma'am.

Q And how long have you two been living together?

A We have been staying together now for about four years, three and a half, four years.

Q Do you and live in the Canfield Green Apartment Complex?

A Yes, ma'am.

Q So you were both living there in August of this year?

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A Yes, ma'am.
Q Okay. Now, can you point on the laser pointer the building that you and live in?
A (Indicating.)
Q You are directing it to Building Number ?
A Yes, ma'am.
Q This number, is that the number of your apartment unit?
A Yes, ma'am.
Q So this would be on the south end of, the south side of the building. If this way is south, that's on the south side of the building, correct?
A Yes, ma'am.
Q What floor are you on?
A The second floor.
Q And is that, so you have one floor above you?
A One floor above me, correct.
Q And we've heard testimony about the stairs and the balconies and the staircase that's outside of your apartment?
A Yes, ma'am.
Q All right. So let's take you back to the morning of August 9th. Anything special or unusual happen in the morning or was it just an ordinary

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Saturday morning?

A It was an ordinary Saturday morning.

Q And were you home?

A Yes, ma'am.

Q And was home?

A Yes, ma'am.

Q Now, you have a child?

A I have boys.

Q Okay. Were they all home?

A Yes, ma'am.

Q Just give me the age range?

A

Q Okay. And so somewhere around noon of that day, what were you doing?

A Around noon that day I was in the kitchen on my cell phone and I was eating lunch.

Q All right. And so was home at that time?

A Yes, was home.

Q And what, if anything, happened that changed, you know, your attention?

A Because there was a knock on my front door and being that I was woke, I went to open up the door and saw it was friend at the door. So I went in the bedroom to wake up to tell

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him that he had a visitor at the door. He got up, put on him some clothes and he was outside maybe five minutes. Then he turned around and came back in the house.

Q Okay. So did you stay inside the house when he went outside?

A Yes, ma'am.

Q Were you in the kitchen, did you say?

A Yes, ma'am, I was in the kitchen.

Q Okay. So from the kitchen can you see outside of your apartment?

A No, ma'am.

Q Okay. So when he went outside, he was out there about five minutes and then he came back in?

A Yes, ma'am.

Q Did his friend come in with him?

A No, ma'am.

Q Who was the friend, do you know him?

A His name, yeah, he's been over to the apartment a couple of times. All I know is his first name is

Q Okay. And so after came back, what happened?

A came back, he walked through the living room and went into the bedroom. Now, I was

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in the kitchen on the phone and I heard him scream my name, but I wasn't paying him any attention because I was in on the phone talking to my sister. So then he screamed my name a second time, they're outside shooting.

So by this time I run out my kitchen to the living room to look out my patio door. And as I looked out the patio door, I saw the officer standing outside his vehicle with his gun in his hand and I saw a black male running away from the officer.

Q Okay. So let me stop you here.

A Okay.

Q When you heard say, they're shooting.

A Uh-huh.

Q Did you hear any gunshots before he said that?

A No, because I wasn't paying any attention to what was going on outside. I was in the kitchen on my phone, I was on the phone.

Q Now, this was August 9th?

A Correct.

Q And as I recall, it was a hot day that day?

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A Uh-huh.

Q Would you have your windows open or closed?

A The window was closed because we had the AC on.

Q Okay. And so was in the bedroom you said?

A Correct.

Q They're shooting?

A Correct.

Q And then you get up and you go outside onto the balcony?

A No, I get up when he said, they're shooting, I go from the kitchen to the living room and looked out my patio blinds.

Q Okay.

A Yeah.

Q And so we heard some testimony about how these apartment units are sliding glass doors?

A Yes, ma'am.

Q And then it has vertical blinds?

A Correct.

Q So did you have to open the blinds to see out?

A No, I just pulled them apart like this and

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looked out through the blinds.

Q And so from where you were standing on your second floor apartment.

A Uh-huh.

Q On the front of the building?

A Uh-huh.

Q Could you see down to this area on Canfield?

A Yes, ma'am.

Q And did you see the police vehicle?

A Yes, ma'am.

Q What kind of car was it?

A It was an SUV truck.

Q Okay. And when you first looked, you said the officer was already out of the car?

A Correct.

Q So you didn't hear or see anything that happened before you saw that?

A Correct.

Q And you saw the officer, you said he had his gun drawn?

A Correct.

Q And I don't know what that means, so can you stand up and demonstrate for the jurors what you mean when you say he had his gun drawn?

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A When I looked out the patio window, the officer had his gun like this, had his finger on the trigger, he was holding it just like this. (indicating)

Q Okay. So you can sit down. Where was the officer when you saw him?

A He was standing right there on the driver's side like right by his door, his door was open. So he's standing like a little bit past his door, the driver's side door.

Q Do you recall which direction his car was facing on Canfield Drive?

A His vehicle was facing like going deeper into the apartments.

Q So his vehicle was facing this direction? (indicating)

A Correct.

Q So the front of his vehicle was here? (indicating)

A Correct.

Q So you're saying that his driver's door was open?

A Correct.

Q So, was it from your position then, you can see the driver's side of that vehicle?

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A Correct.
Q And he's standing outside the driver's door?
A Correct.
Q And now you said you saw a young man running away?
A Correct.
Q Did you recognize him?
A No.
Q Haven't seen him before that day?
A No, ma'am.
Q Did you see any other people in the area?
A Yes. I saw another shorter African-American male. At this time the police vehicle was facing, was facing this way and there was a white Monte Carlo facing, they was going the opposite way. The other black male was on the passenger side of the white Monte Carlo and he was down like this. (indicating)

He had dreads, I say like right here, and as I'm looking, and then by then I come out my apartment just to get a closer look. And I see the black male that was behind the white vehicle. He jumps inside the white car and the white Monte Carlo goes up the street.

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Q Okay. So the black male that you saw running away.

A Correct.

Q Where was he in relation to the police car when you first saw him?

A He was like, okay, the police vehicle is like here. He was like a good little distance away from the vehicle. (indicating)

Q Okay. So if the vehicle can you use the pointer and show where the vehicle was, police vehicle?

A The police vehicle was like right, like right in here. (indicating)

Q Okay. Now, I'm going to put my finger where you had the pointer?

A Uh-huh.

Q Show with the pointer where the boy that was running, where was he when you first saw him?

A When I first saw him he was probably like right here from where I could see him. (indicating)

Q And the officer was still at his driver's door?

A Correct, he was, the officer had his vehicle (sic) in his hand and he was taking large steps towards the guy as he was running.

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Q So you see the officer moving in the direction that the guy was running?

A That the guy was running, yes, ma'am.

Q When you say the guy was running, is this like a full-out run or is this a jog?

A Like a jog, yes, ma'am.

Q Okay. So what do you see next happen?

A So then as I see the guy get out, like he disappeared. I didn't see him any more.

Q Which guy?

A The big one.

Q Okay. So we know that man's name now is Michael Brown?

A Michael Brown, correct.

Q You didn't know it then?

A Correct.

Q So we'll go ahead and call him Michael Brown since we know who he is now.

A Yes, ma'am.

Q So he disappears from your view?

A He disappears from my view. So by this time I come out my front door and I'm now standing on my patio.

Q Now, at this point have you heard any gunshots?

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A Yes.
Q When did you first hear gunshots?
A I started hearing the gunshots, when I looked out the patio and I saw the officer walking, taking big steps and shooting, that's when I open up my front door and I came out onto my patio.
Q Okay. So you're saying as he was moving towards Michael Brown.
A He was firing.
Q He was firing. How many gunshots did you hear fired?
A I heard three shots. And that's what made me come out on my patio. So as I come out on my patio, I see that the victim, okay, I see that Mike Brown can no longer be seen. As I come out on my patio, I finally see Mike Brown walking like this with his hands up. He's now walking towards the officer.
Q You didn't see him turn around?
A No.
Q Okay. So from where you first saw him.
A Uh-huh.
Q With the laser pointer where you first saw him when he had his hands up?
A He was maybe like right here where this

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car is at. (indicating)

Q Okay. And so you said he was facing the officer at that point?

A He's now facing the officer with his hands up like this. (indicating)

Q Okay. Do your hand the way his hands were?

A (Indicating)

Q So, for the record, you've got your upper arms are somewhat parallel to the floor and you've got your palms, out fingers are pointing skyward or up to the ceiling and your hands are about the level of the side of your head?

A Correct.

Q Okay. Go ahead and sit down.

And so did you see, what did you see happen then?

A As Mike Brown is walking toward the officer, he's started taking big steps toward him and he opened shot, pulled the trigger.

Q You see Mike Brown walking towards the officer?

A Correct.

Q How many steps did you watch him walk?

A Maybe a good four or five steps.

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Q Okay. And how would you describe how he was walking? Was he walking quickly was he casually walking?

A He was casually walking as if he had got shot and he started feeling the pain or something like that, where like he couldn't, you know, pick up his pace because of the shot.

Q Did you see that he had been shot?

A Yes.

Q How did you know he had been shot?

A Because as the officer is shooting, I assumed that it was, he was being tased because I've never witnessed anyone being shot. And I asked my fiancee is that, I'm like, he's being tased, right, why isn't he falling. That's not tased, that's gunshot because I've never seen anyone get shot.

Q So are you saying that that conversation was while this was going on?

A Right.

Q What makes you say that you saw that he was shot?

A Because as, as the officer is shooting, like you see, like I guess like little smoke or whatever it was that as the bullets was hitting him, you saw like the little smoke coming from his chest.

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That's why I assumed he was being tased. Because I guess looking at movies and seeing people get shot and they automatically fall, that was my first time ever seeing someone being shot like that close. So I assumed that he was being tased.

Q So as you see him getting shot or you see what you've described that you think that's the bullets hitting him.

A Uh-huh.

Q He continues to walk toward the officer?

A At this time it is like his steps were ceasing as, you know, he was about ready to fall over.

Q And what was the officer doing, was he standing still or was he moving?

A He was steady moving --

Q Steady movie in what direction?

A Towards Mike Brown.

Q How close did he get to Mike Brown?

A I say he was maybe a good, maybe 10 feet away from him.

Q Okay.

A And then he shot. And then, you know Mike Brown, he fell face down to the pavement.

Q All right. And you said you had come

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outside at this point?
A Correct.
Q Did you hear anybody saying anything?
A No.
Q You couldn't hear, is it because you could not hear because of your distance?
A I couldn't, right, I couldn't hear what was being said as far as like if the officer was saying anything to Mike Brown, I didn't hear any of that.
Q After Mike Brown fell onto the pavement?
A Uh-huh.
Q Did you stay outside and continue to watch?
A Yes, ma'am.
Q Did you see anybody move his body other than when it eventually was removed?
A No.
Q Okay. How about the police car, did you see anybody move the police cars?
A Yes.
Q When did that happen?
A That happened right after Mike Brown fell and another officer, another Ferguson cop car pulled up.

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Q So what did the officer do after Mike Brown fell?

A He walked over to him and he did this, and he stepped back. (indicating)

Q Did you see him talking on his radio or anything?

A No.

Q Did he go back to his car?

A No.

Q All right. Did you ever see him go back to his car?

A No.

Q And then other officers came?

A Yes, ma'am.

Q And eventually his vehicle was towed away?

A Correct.

Q Did you see anybody move it before it was towed away?

A No.

Q So it stayed in that same spot?

A Uh-huh.

Q Um, and so now just to clarify, you have, you talked to the police --

A Correct.

Q -- first. On the day that this happened;

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is that right, yes?

A I don't think it was the day that it happened, I think it was a couple days later.

Q Okay. Do you remember the officers, when you first talked to the officers, did they come to your house?

A Yes.

Q Okay. Was this because you told them that you had seen something or were they doing like knocking on doors?

A They was knocking on doors.

Q Okay.

A To see who all was at home.

Q Okay. And so if, when they talk to you, did they tape record your statement?

A Yes, ma'am.

Q If they said the date on the recording, would you think that that's probably the date that it happened?

A Correct.

Q So we're going to trust the recording as to what date that was, okay?

A Yes, ma'am.

Q And so you spoke to the officers for just a few minutes briefly on that day; is that right?

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A Correct.
Q Was there anything that you left out when you spoke to the officers?
A No, ma'am.
Q You don't recall?
A No, ma'am, I don't recall.
Q And so when you talked to the officers on the day that this happened.
A Uh-huh.
Q Well, you know what I would have to, I need a moment. Let me ask you to wrap up my questions and then we'll see if anybody else has questions.
A Yes, ma'am.
Q So after this happened, and you spoke to the officers, since then, did you speak to other investigators?
A I talked to the FBI.
Q Okay. And did you go to them or did they come to you?
A They came to me.
Q To your house?
A Yes, ma'am.
Q And did they record your statement?
A Yes, ma'am.

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Q Okay. How long did you talk to them?
A It was only, it was a couple of minutes.
Q Okay. And is what your telling today the best of your recollection?
A Yes, ma'am.
Q Did you ever see anything in Michael Brown's hands?
A No, ma'am.
Q Did you ever see him holding his side?
A Yes.
Q Okay. So then you haven't mentioned that?
A Yes. He had his hands up and as he, the officer steady taking big steps shooting at him, his hand goes like this and he holds his side as he has been hit. The officer shot again and that's when he collapsed and fell onto the ground. (indicating)
Q Okay. So when he was going down and collapsing, his arms were not up any more?
A No, ma'am, they were now, he was holding his side.
Q Okay. Do you know the other guy that ran away and got in the car and left, do you know who that is?
A No, ma'am.
Q Never seen him before?

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A No, ma'am.

Q Have you and Michael talked about, after it happened I imagine you guys talk about it?

A Uh-huh.

Q Oh, my God, can you believe what we just saw?

A Uh-huh.

Q Have you talked about it in detail?

A No, ma'am.

Q Did he tell you what he saw?

A No, he didn't. He was affected by it and then I was affected, and that my kids was affected. And beings that my kids was so young, we try not to discuss that in the household around the kids because we want them to get that out of their mind and be kids.

MS. ALIZADEH: Sure, okay. Sheila, do you have any questions?

MS. WHIRLEY: Yeah.

Q (By Ms. Whirley) Before you saw him running, did you hear any shots fired?

A No, ma'am.

Q Okay. So you first heard shots fired when you saw him running?

A Yes, ma'am.

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Q And the officer was pursuing him shooting at his back?

A Yes, ma'am.

Q All right. And you did not see him turn around; is that right?

A No.

Q So the next thing you saw was what?

A I did not see him turn around and then when I finally open up my front door and go out onto my patio, I saw him with his hands up and he's now facing the officer and he's walking towards the officer with his hands up.

Q So his hands were up above his head?

A No, it was more like this. (indicating)

Q Okay. Kind of parallel with his head?

A Correct.

Q Okay. Now, when you first talked to the police back, August 9th is the date that we have. It was a few hours after this had occurred.

A Okay.

Q There is no mention about his hands being up. What do you think about that, why you didn't tell the police on that day?

A I did tell the officers that his hands was up.

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Q Okay. The recording, and we have a copy of the recorded statement there's a transcript, there's nothing in there that talks about his hands being up. You do recall telling him?
A Uh-huh.
Q You clearly remember that?
A Yes, ma'am.
Q And when he had his hands up, there wasn't anything in his hands you said?
A No, ma'am.
Q And how far away was he from the officer when he turned around and he had his hands up, how far away?
A He was probably about 20, 15 feet away.
Q 15, 20 feet away?
A Uh-huh.
Q And he has his hands up and you said the officer start shooting?
A The officer was constantly walking, taking large steps towards him with his gun in his hand, steady firing.
Q Okay. And when did you meet with the FBI?
A I want to say a couple days to a week afterwards.
Q Okay. And that was recorded I heard you

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say earlier?
A Yes.
Q And you told them about the hands up?
A Uh-huh.
Q So when he shot him, I guess first it was 20 feet away you say when it started?
A Uh-huh.
Q And then Mike Brown is walking towards him after he shoots him?
A Uh-huh.
Q And he is doing what at that point when he's walking towards him?
A He's walking towards him with his hands up and then I guess as the officer is constantly shooting him, one of the shots must have hit him in the side and then he grabbed his side like this. The officer steady shoot and then he just falls over onto the pavement.
Q Okay. So you never saw him run towards the officer?
A No, ma'am.
Q Or charge at the officer?
A No, ma'am.
Q Did he ever look like he was a threat in your opinion to the officer?

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A No, ma'am.
Q Did it appear to you that the officer needed to keep shooting --
A No, ma'am.
Q In order to protect himself?
A No, ma'am.
Q You didn't see it that way?
A No, ma'am.
Q Okay. Questions.

MS. ALIZADEH: I just want to clear up one more thing, When you spoke to the officer on the day this happened.

A Uh-huh.

MS. ALIZADEH: And, again, the grand jurors have the transcript and they will be able to listen to the tapes again. If you did not mention anything about his hands being up on that day, and you don't mention anything about his hands going to his side as if he were shot, do you think that it is possible that now you believe that that's a memory because you've heard people talk about that?

A No, ma'am.
Q At the end of your interview on that day, the officer said is there anything you want to add to this statement? And you said that when the guy,

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once he tipped over, he hit the pavement, you saw his body like flinching like he was trying to get up. And after that he stopped moving and the officer stepped back away from the body and that was that?

A Yes.

Q That was it?

A Uh-huh.

Q So today you said the officer stepped toward the body and looked over the body?

A Right, as he shot the last time and Mike Brown fell to the ground, he did this and then he stepped away. (indicating)

Q Okay.

MS. ALIZADEH: Anybody have questions? Tell me again when he was, when Michael Brown was shot the second time, he had his hands up?

A Correct.

You assume that he might have been wounded on the side?

A Uh-huh.

Did both hands go down to the wound or just one?

A Yes, both.

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So what I'm doing with both hands here on my right side, is that representative? (indicating)

A Yes, sir.

Thank you.

A You're welcome.

THE COURT: Anybody else?

Just to be clear. The last shots that the police officer took.

A Uh-huh.

Michael Brown's hands were not in here, they were down here. (indicating)

A Correct.

I'm looking at the transcript that we have here. I just want to read a little part of it. While standing there looking, I assume, I figure that they had tased him, he was going down, but then when I talked to my fiancee he said it was actually gunshots, and like he shot him two more times. That's when the guy tipped over.

A Uh-huh.

The officer walked up, shot him three more times and the dude just tipped over head first and his head smashed into the pavement.

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Are you telling us that, it sounds like you are saying in this transcript that the guy tipped over and after he shot him more when he was tipped over.

A No.

No, that is not.

A No, ma'am.

Thank you.

A You're welcome.

MS. WHIRLEY: Just to make sure I'm clear now.

So he shot, his hands were up, he shot, he does this and he's tipping over and then he's being shot again?

A No, his hands was up, he was shot, he did this, and the officer shot again and then he just fell, and his face hit the ground. (indicating)

MS. WHIRLEY: Do you know how many times the officer shot total?

A No, ma'am.

MS. WHIRLEY: Do you know how many times he shot on the last occasion before he tipped over?

A Maybe about three times.

MS. WHIRLEY: Okay.

You said

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you saw Dorian duck down by the white Monte Carlo?

A Uh-huh.

MS. ALIZADEH: Just to clarify, she didn't know his name?

A I don't know his name.

I'm sorry.

MS. ALIZADEH: I'm not saying she can't know his name. The guy, we know his name is Dorian.

Oh, okay. And my question is, when you saw him duck down, were you coming out of your patio at the time when you did not see him any more?

A No, I was standing on my patio, that's how I know that he got inside the white Monte Carlo and the Monte Carlo went up the street.

So you actually saw him get into the car?

A I saw the driver door open and he did this, got in it, the door closed and the car went up the street.

You were outside on your patio at the time?

A I was outside on my patio.

Okay.

MS. WHIRLEY: Now, we see that you wear

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glasses?

A Yes, ma'am.

MS. WHIRLEY: Do you wear them for distance or for near sight?

A Near sight.

MS. WHIRLEY: Is your vision corrected with the glasses.

A Yes, ma'am.

MS. WHIRLEY: Were you wearing glasses when you were looking at all this?

A Yes, ma'am.

MS. WHIRLEY: Was there anything to impair your vision or impair you from seeing what you told us here today?

A No, my kids were out, by this, when I open up the door to go out onto the patio, my boys came outside. So I'm kind of like trying to pull them back away from the patio and pull them back into the house just so they won't be seeing and hearing all of this stuff that was going on.

MS. WHIRLEY: So you were distracted a little bit with your boys?

A Correct.

MS. WHIRLEY: During what period of time was this when you were working with your boys, what

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was going on?

A This was as the officer is shooting and as his hands, Mike Brown hands is up and the officer is shooting, I'm trying to pull my boys back because I've never been around anything with shooting, I didn't know if the bullets would --

MS. WHIRLEY: We certainly understand that. I just wanted to know did you miss anything when you were pulling the boys back?

A That could possibly be true. Because I'm trying to see what's going on in the streets, but at the same time I'm trying to pull my kids away from the patio and back in the house to keep them from witnessing and seeing and hearing what is going on as well.

MS. WHIRLEY: Is everything you told us what you witnessed --

A Yes, ma'am.

MS. WHIRLEY: -- and not something you heard. Is everything --

A Everything that I said to today is what I witnessed, yes, ma'am.

One more question. You didn't feel like he was moving in an aggressive manner. Could you see Michael Brown's

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face?

A No, I couldn't see his face.

You couldn't see his face?

A No, ma'am.

Thank you.

A You're welcome.

MS. ALIZADEH: Anything?

(End of the testimony of)

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q Would you please introduce yourself to the grand jurors and spell your name, please?

A My name is

Q All right. now, do you live in the Canfield Green Apartments?

A No.

Q Okay. Do you know anybody that lives

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there?

A I know two people that live there.

Q Who is that?

A Um, one is that stays like on the back end of it and one of stay there.

Q You may notice we have a map here, does that map kind of look like Canfield?

A Pretty much.

Q You can recognize places on this map and here is a pen that you can use. You point that button and the red light appears. So I'll ask you a few questions about that in just a moment.

So you live, not in the Canfield Green Apartments?

A No, ma'am.

Q Now you know why we are here today, we are here about the shooting of Michael Brown, right?

A Uh-huh.

Q On August the 9th you were obviously at the Canfield Green Apartments; is that right?

A Yeah.

Q What were you doing there?

A I was bringing one of ,

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was bringing it back that day.

Q So your was with you. Who was with you, were you in a car?

A I was in a van, it was me, my husband, two of my daughters and my granddaughter.

Q Okay. So there is five people in the van?

A Yes.

Q And had yours husband

A

Q What color was your van?

A It's

Q So what route did you take going to Canfield. This is West Florissant, right?

A Uh-huh.

Q So what was your route, show us with the pen?

A I came through here and I stopped here.

Q When you stopped here, is this when you saw whatever you saw?

A Pretty much. It was probably a little bit further up.

Q Which way?

A It was probably about around here. (indicating)

Q Okay. When you are at this location, what

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did you see?

A Well, when I was coming around here, I heard like about two or three gunshots.

Q Were you driving?

A Yes.

Q Okay.

A So at first I thought it was firecrackers, but when we got around, I seen a police car, I can't be sure, it was like about somewhere in between here, I think the police car may have been.

Q What direction was the place car facing?

A It was facing towards me.

Q West Florissant?

A Yes, it was facing toward West Florissant.

Q Was it driving?

A It wasn't driving, it was sitting still.

Q And what position was the car in?

A It was like pulled off to the side a little bit, it wasn't directly coming down the street, it was like pulled off into the side by the sidewalk.

Q Like was it blocking the road?

A No, it wasn't blocking the road.

Q So you could drive straight by without having to go around it?

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A Yes.

Q Okay. So is anybody in the car in the police car?

A Well, at the time I wasn't really looking in the car. I was looking at the person standing by the car.

Q Who was the person standing by the car?

A I don't know who the person, I didn't know who the person was, I just knew it was an African-American male standing at the car.

Q What did you see while the male was standing at the car?

A He looked like pretty much had his hands directly pretty much in front of him standing at the car looking like he was just talking. I couldn't tell what was going on, he was standing at the car.

Q He was standing at the police car. Where at the police car?

A He was standing at the driver's door.

Q At the driver's door. Was he inside, like leaning inside?

A He was just like standing bent down towards the door.

Q Okay. Did it appear the window was down?

A Yes.

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Q Did it appear someone was in the car, you said you couldn't tell?

A I kind of figured it was someone in the car because he was standing there with the window open looking down into the car.

Q Into the police car. Did that seem strange to you?

A No.

Q Why not?

A Because I figure that he either was talking to the officer or the officer was talking to him.

Q Okay. So you didn't see anything that looked aggressive like fighting or tussling or anything like that?

A Well because of the gunshots I thought that he was either shooting at the cop or something was going on or something might have been going on around in the area. So I just, when I first seen the police car and after hearing the shots I was like kind of leery about going any further.

Q So you say you saw the shots?

A No, I didn't see them, I heard them.

Q I'm sorry, you heard the shots, so thank you for correcting me. And then you saw the black

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male at the driver's side door of the police car?
A Yes.
Q But you couldn't see his hands?
A No.
Q But you didn't see any movement?
A No, he was just pretty much just standing there and then he kind of, um, started backing away from it and stuff at first. I thought he slung something away, but I couldn't be sure if that's what I saw right now.
Q Okay.
A Because I couldn't remember that.
Q When you heard the shot, was he still standing at the police car in the driver's door?
A I'm not exactly sure because like I said, we heard the shots. I heard the shots when we were like about right, when we was coming around the bend around that corner. I didn't hear anything when I actually got a visual of what was going, you know, people standing there.
Q And how many shots did you hear when you were coming in this way?
A It was at least about two or three.
Q Two or three. Okay. So you heard the shots and then when you got up and a little closer

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and you saw the police car, you say you saw this black male at the driver's side window?

A Yes.

Q So that was before you heard the, well, you heard the shots and then after you heard the shots, you saw the male at the window?

A Yes.

Q And then what did you see?

A Um, after that, like I say, he backed away from the car and he, um, he was like standing there for a minute and then he took off running.

Q Okay.

A He was running away from West Florissant.

Q Which way was he running, show me?

A He was, um, I don't know exactly where it was at. He started running back this way. (indicating)

Q Was he running in the street?

A Yes.

Q Okay. And what did, what else did you see after you saw him running?

A After he took off running, I was watching the police officer get out of the car. He got out of the car and closed the door and then he started running after that guy.

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Q Did you see anything in the police officer's hand?

A Yes, he had his gun drawn and it was down to his side.

Q When you said drawn and down to his side, can you explain that for me?

A It wasn't in the holster.

Q Okay.

A It was just in his --

Q You mind demonstrating how he had it drawn?

A He was trying to get out of the car, he looked like he was having a little bit of difficulty getting out of the car at first and then he started running. I can't remember if it was the left or right, but I know he had it down to the side and his other hand was up like this running. So he was running towards the guy with the gun in his hand, not in the holster.

Q Okay. Can you describe the guy that he was running after?

A Um, he was kind of heavy set black guy.

Q Okay.

A He had on shorts, looked like he had on socks with flip flops and a big shirt.

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Q Okay. And you've heard, I'm sure the news and this is Mike Brown that you're talking about.

A No, I don't watch the news.

Q Oh, that's right you said you don't want television; is that right?

A I don't want television. I didn't know his name until like I seen it on the internet.

Q Okay. But that's the same guy you thinking?

A Uh-huh.

Q Okay. Where were you when you seen them run?

A Same spot. I was in the car right around here where the light pole is. I was like pretty much, because I know there was a tree in front of us and there was a girl standing next to us because I remember when I got ready to leave, I turned into the driveway.

Q Uh-huh. At the time you saw them, were you facing the police car?

A Yes.

Q Because you were on your way inside?

A Yes.

Q To do something

A Uh-huh.

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Q Okay. So when you see him running, is he firing a weapon at that time, you say his gun is out, the police officer, is he firing at the individual running?

A No, he couldn't, if he was running with it down by his side down.

Q Well, at any time did he change that position and start firing?

A He didn't start, I didn't see him fire, I didn't even hear the gunshots until later.

Q And what was happening when you heard the gunshots?

A When I heard the gunshots and saw him firing his weapon, he was, Michael had stopped, he had stopped. He threw his hands up and then he put his hands down, Michael turned around and then he started running, he kind of shuffled back and forth a little bit like he was confused or something. And then he started running towards my car, he started running back towards us.

The officer had ran, he was running after him. He had stopped, I heard him say get down about two or three times and he kind of veered off to the side a little bit, but he still was aiming his gun at the guy, at Michael. And he after, he

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held his gun out at him, he was aiming the gun at him, he was telling him to get down. And like I said, Michael was shuffling back and forth like he was confused and then he started running and that's when I started hearing him shoot.

Q While he was running toward the officer?

A Kind of towards the officer. I couldn't be sure if he was running exactly towards the officer or just trying to run past him.

Q But he was running in the officer's direction?

A He was running pretty much our direction. The officer was pretty much between us and Michael.

Q And the officer was saying stop or get down?

A Get down.

Q And could you hear Michael say anything?

A I didn't hear him say anything. He was trying to run. He was running and he had his hands down in like a running stance.

Q Look like he was charging at the officer?

A I couldn't be sure if he was trying to charge the officer or run past him.

Q Okay. It was unclear to you. Did he look like he was threatening the officer?

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A Well, like I say, I couldn't be sure if he was trying to threaten him, like I said.

Q I mean, a person, a reasonable person just looking at it, would you think in your mind?

A I thought he was trying to charge him at first because the only thing I kept saying was is he crazy? Why don't he just stop instead of running because if somebody is pulling a gun on you, first thing I would think is to drop down on the ground and not try to look like I'm going to attack 'em, but that was my opinion.

Q So it looked to you like he could be attacking him?

A He looked like, he looked like he could have been attacking him or the officer could have felt like he was attacking him.

Q I want you to tell me what your impression was as you looked at it?

A I was looking at it, I could not be sure. Like I said the officer, he was like off to the side a little bit and Michael was probably, he was like standing here shuffling back and forth, and he took, he just started running. I don't know if he was trying to come towards the officer or if he was just trying to run past him.

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Q Okay.

A I couldn't tell you.

Q All right. And one last thing and then I'll turn it over. When you talked about him having his hands up, at what point did he have his hands up?

A He put his hands up when he stopped. He kind of like threw his hands up, like I can't do this no more. He just threw his hands up and he turned around and he kind of put his hands down and he was like shuffling. He didn't have his arms up while he was shuffling, he was just shuffling back and forth.

Q When you say shuffling, can you show me? I'm sorry.

A He was like, he was like. Just doing like this, shuffling back and forth like he didn't know what else to do. He was just shuffling back and forth. (indicating)

Q Where were his hands?

A He was like to the side, just doing, you know, hand gestures. They wasn't up like this or anything. They was just down like, you know.

Q Did he look like he was hit by any of the bullets?

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A I didn't see, I couldn't tell that.
Q You couldn't see any blood or anything?
A I didn't hear any of the gunshots until he started running.
Q Okay. When he started running toward the officer?
A Uh-huh.
Q So he was doing the shuffling before he came toward the officer?
A Yes, right before he started returning, he started shuffling back and forth.
Q Okay. And that's when you heard the shots?
A I heard the gunshots. He told him, before he shot him he told him to get down again, and Michael had started running. And that's when I started hearing the gunshots.
Q Okay. So how many shots do you think you heard total?
A I know at least about three or four. I remember hearing three or four shots.
Q Two initially, and you were driving in --
A Two or three.
Q Two or three, Michael is at the car with the officer?

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A Yeah.
Q And then Michael runs?
A Uh-huh.
Q And when he turns around and the officer tells him to get down, that's when you hear more shots, the three more shots?
A When he started running.
Q When he started running towards the officer?
A Yes.
Q Did you hear any more shots?
A Um, I couldn't tell you how many shots I heard, but I remember seeing a blood splatter coming around by his face.
Q At what point did you see that?
A That was like right before he started stumbling because he kept coming and the officer kept shooting and I remember the blood splatter. I seen the spray of blood come out of somewhere around his face and then he started to stumble.
Q Was the officer still shooting then?
A Um, I couldn't tell you if he kept shooting, but I know that when he hit the ground, he wasn't still shooting.
Q Okay.

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A I didn't see him shoot any more. I know he kind of put his gun down. I could see him radioing. I seen him grab like the radio on his shoulder and then he, um, that's pretty much when I decided it was time for me to turn around.

Q Okay. So you left at that point?

A I was trying to, but it was like two police SUVs started coming past me after that. They was coming down the street. I was looking to make sure there wasn't anybody coming around me. So I was trying, because I had my family in the car, I didn't want to get hit by anything, so I was watching. I looked in the side mirror to see if anybody was coming and I seen the two police SUVs coming, and I stopped. And after they passed by, I watched a little longer and I went around.

I went up this driveway right here and I went around this way because I didn't know, this is the first time I had ever been over there. So I didn't know that this came back out this way. (indicating)

Q Okay.

A So at that point we didn't know what else was going to happen. We stopped at and came out and asked what was going on.

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And I'm like, did you hear something? And we like, we were like telling the police had just shot a guy out there. After that we just got back in the car and we came back. I didn't get out of the car, we was just sitting there for a few minutes to see what was going to happen. We pulled right back out and started down the street.

Q And you left?

A Yes.

Q So you didn't talk to the police that day?

A Huh-uh.

Q How did the police know to contact you?

A I can't remember.

Q If you --

A I think I called them.

Q You called the police?

A I called the police and told them that I had saw the shooting and.

Q And then you met with them at or somewhere?

A Yeah, I met with them at

Q Okay, all right. Based on what you saw, did it appear that the officer had to shoot him to protect himself?

A I don't know.

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Q You don't have an opinion about that?
A I don't have an opinion about that because I couldn't tell whether or not the guy was charging. I wasn't as close to him as the officer, I wasn't as close to the scene as the officer and Mike was so, I don't know what he could have been thinking. I don't know if he was thinking that he was trying to charge him or not.
Q And when you saw him shoot him, the last shots to be fired when you saw the blood spray, how far did it seem that the officer and Mike Brown were apart from each other?
A About as far as me and you are.
Q Oh, okay. This close? (indicating)
A Uh-huh.
Q And we're like less tan 10 feet apart okay.
A Yeah, because he was pretty much staying back away from him. Mike was pretty much bigger, he was a little bit bigger than the cop was.
MS. WHIRLEY: Okay, all right. Thank you. That's all I have. Kathi?
MS. ALIZADEH: Just a couple. Ma'am, did you ever watch, I know you don't watch TV, did you ever hear or did anybody ever talk to you about the

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autopsy report?

A I think I heard about it, but I'm not really sure what it was about because I didn't try, I probably felt like I was going to be asked questions about it eventually, but since I didn't really, that was like pretty much nothing that I really witnessed, so I didn't really pay attention to it.

Q So to this day, do you know where Michael Brown was shot on his body?

A I heard that it was in his arm and in his head.

Q Okay. And you heard that where?

A Everywhere.

Q Okay.

A Anywhere, and I did see a couple of things on the internet.

Q Okay. From the time that Michael Brown turned around and until the time he eventually collapsed in the street.

A Uh-huh.

Q Can you give me an idea, I know how close they ultimately got, but how far did he travel?

A I couldn't really tell you because it looked like from where I was standing, where I was

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sitting, I'm in the car, I'm trying to think. I'm not even exactly sure. I think that where his body landed was like right about here. (indicating)

Q Okay.

A This is so hard to tell, especially not being there.

Q Do you know about where he was when he turned around?

A It was almost to like the end, I'm not sure if it was the end of this street or what, I can't remember.

Q Okay. When you say this street, I didn't see the pointer?

A He hadn't made it around. He hadn't made it around this corner, I know that it had to be within this same stretch right here. (indicating)

Q Okay.

A Because I could see him clearly.

Q If you are saying his body was here, that's where he collapsed, so he was someplace west of that and then he ran east?

A Uh-huh.

Q And you don't have any good idea of like if I keep walking back if you're going to say stop if you want to say how far he ran?

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A I think he ran a pretty good distance.

Q Okay. Farther than I can walk back?

A Um, I can't think right now. I don't even remember how far it was.

Q Okay.

A Only thing I can remember is hearing the gunshot, seeing him being shot and it was just like, it was surprising.

Q Okay.

MS. ALIZADEH: I don't have anything else.

MS. WHIRLEY: Anything else?

: You said he had his hands up for a brief moment?

A He had his hands up when he stopped, when he was running away from the officer. I don't know if he got tired or what, but he threw his hands up.

Were they like this or were they like this? (indicating)

A Up in the air just like that. (indicating)

Okay. That's it.

. With it being a hot, summer afternoon, were your windows, did you have your air on were your windows up?

A No, I like my windows down because I have

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people in the back seat and I think what happened was, as a matter of fact I knew I didn't have them up because, um, it wasn't that hot because it was before noon when we left. It was around noon when we got there and it wasn't that hot that time of day.

And one more thing. Do you remember if the sirens was on the police car?

A On which police car? The one that the officer was in?

Yes.

A No, it was just sitting there.

MS. ALIZADEH: Anyone else?

MS. WHIRLEY: Was it a car or was it a truck?

A Oh, it was a car that the officer was in.

MS. WHIRLEY: That you saw Michael Brown standing next to?

A Yes, it was a car.

MS. WHIRLEY: When you say car, when I say truck, I'm talking SUV or was it a car?

A It was a car.

MS. WHIRLEY: It was not an SUV?

A No, it was a car.

MS. WHIRLEY: Okay.

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A Because I remember him getting up out of it.

MS. WHIRLEY: Do you know what kind of car it was?

A You mean make and model?

MS. WHIRLEY: Yeah.

A No.

MS. WHIRLEY: Okay. That's all right.

A It was a white police car with the blue police sign.

MS. WHIRLEY: It was not like a SUV like a Ford Explorer or --

A No, because that's what came past me when I was sitting there.

MS. WHIRLEY: You know what a SUV is?

A Uh-huh.

MS. WHIRLEY: And it was not a SUV that you saw Michael Brown standing next to?

A No.

MS. WHIRLEY: When he was talking at the police car?

A No.

MS. WHIRLEY: Okay.

You said he had trouble getting out of the car, the police officer,

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can you describe what you saw?

A He was just looking like he was, he had opened the door and was trying to get out of the car. I didn't know what was going on, I figure he might have been disoriented. I don't know what was going on, I couldn't tell you what was happening. All I know is he looked like he was coming out of the car and he got up and yeah, he did close the door behind him and he took off running. All right. Did you ever see anybody else by the car?

A No. The only other people that I was looking, I seen were pretty much just bystanders and watching everything.

MS. WHIRLEY: That concludes the testimony of

(End of the testimony of

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State of Missouri
SS.
County of St. Louis

I, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to

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and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.

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COURT MEMO

State of Missouri vs. Darren Wilson

CERTIFICATE OF OFFICER AND
STATEMENT OF DEPOSITION CHARGES

DEPOSITION OF Grand Jury, Volume XI

10/7/2014

Name and address of person or firm having custody of the original transcript:

St. Louis County Prosecuting Attorney's Office
100 S. Central Ave.
Clayton, MO 63105

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IN WITNESS WHEREOF, I have hereunto set my hand and seal on this _____ day of _____

STATEMENT OF DEPOSITION CHARGES

Commission expires

_____

Notary Public

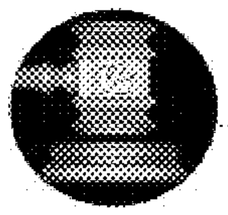
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Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury, Volume XII

Date: October 13, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 13, 2014

VOLUME XII

Electronically signed by 66f1a392-4758-4fae-ac94-36933ab8f7e1

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 13th day of October, 2014, before

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APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

Assistant Prosecuting Attorneys for St. Louis County

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

(314) 615-2600

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GRAND JURY HEARING VOLUME XII

MS. ALIZADEH: Good morning.

(Everyone says good morning.)

MS. ALIZADEH: Let's see, Monday, October 13th, at 8:38 a.m. This is Kathi Alizadeh with the prosecutor's office, present is Sheila Whirley, all 12 grand jurors are present, as is , the court reporter. He's taking down what is being said and recording, audio recording.

So for today, the first witness, let me back up a little bit and talk about scheduling. There was a question brought up, I think it might have been during a break we had last week about whether or not three days a week was helpful or if it was not very productive. And so Sheila and I have talked about it, as well as with some of our investigators.

You know, as I mentioned to you that some of these people are reluctant to come in and that means going out and serving them subpoenas and even then, that's not a guarantee they're going to show up.

We have been lucky so far. We have been able to get the people in, but, you know, every day

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is going to be a challenge. We talked about it and first of all we felt that it was, it was going to be problematic for us to try to corral or wrangle up enough people to fill three days of your time.

Neither Sheila nor I wants you sitting here. I know you have taken out from your personal lives and from your jobs and it is just really wrong for us to waste your time for you to sit here for two hours when we don't have anything scheduled for you or anything to put on.

I think the two day a week is going to be better, hopefully we will use that time productively.

Another reason for it is because we have doing the transcripts and we need those done as quickly as possible, because there's another investigation going on, that as you know, there's a federal investigation that's kind of parallel to ours. And doesn't just work when he's in the room with us, he goes home and he works to try to transcribe everything that is going on. And news to me, he mentioned the other day one hour of testimony may take him three hours to transcribe.

He's working diligently to try to get these transcripts out. And when we have back to

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back days, he's not able to work on the transcripts and the three days a week, we're finding he's not able to keep up with the transcripts the way we need them.

Another reason is, you know, once this case is concluded and given to you for your deliberation, once, assuming you arrive at a decision, we don't want to have to delay that decision for two or three weeks while we're waiting for the transcripts to be done.

So he's, , trying to do those as we go so we can keep up on those. So we felt that that was another reason why the two day a week would be better for just our purposes and getting this done efficiently and as quickly as possible.

So I think the word went out to you last week after we canceled Thursday, that we also are canceling tomorrow, but we do have witnesses lined up for all day today, assuming they show up and then we have witnesses lined up for all day Thursday. Including, you know, we're going to hear statements when we're not having witnesses boom, boom, boom there will be times that you are listening to statements of witnesses that we anticipate that are going to be called.

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So with that being said, thank you for, did they already do the rest of October?

MS. WHIRLEY: How far, the 16th?

MS. ALIZADEH: Today, this week is today and Thursday. I don't know if we have the next two weeks actually written in stone. So if you guys, I've got a calendar in my office, but is that completed for the month.

No jury duty on the 30th. We have it up through the 28th, that's three days.

: We need to talk about it.

We need to confirm it.

MS. ALIZADEH: Yeah, why don't you all keep in mind two days a week is going to be the best way to go during your lunch break, and something you can kind of talk about your schedules and redo the calendar as you have.

I will tell you that whatever days you pick, like I said, we are going to work with those. Doesn't matter to me, however, I do believe that it can be helpful for us if at least one of those days at least till 5:00. We've found that there are witnesses who have said, you know, well, I can't be here till 4:00 because my kids off the bus and blah, blah, blah.

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We understand that these people are witnesses, you know. They happen to be, what they may feel now is at the wrong place at the wrong time. So, I'm trying my best, especially the ones that are cooperative, to work with them if they have, you know, work or child issues that, you know, we'll get you here, when does your son get off the bus. Okay. How about if we have the cab pick you up at 3:00, get you here at 3:30 that way we can get some of these people on.

So when you do your schedule, I know that a lot of these days you have a 2:30 cutoff because of work and that's fine, but if there is a day during the week that you can go till 5:00, that might be a good second day for us because then we can maybe accommodate some witnesses that need to work later.

Is there anything else that anybody had to bring up or talk about before we get started?

All right. So today we are going to hear first . We heard from his wife last Tuesday. And he was here with her, we didn't have time to get to him. You've already heard his recorded statement so we will call him as our first witness.

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We also have , she has a couple of statements that we will play before she testifies. One of them is very brief, like three minutes long, but the other one I have to tell you we just got because it was the result of a federal interview.

I can't remember if it was done by the FBI or Department of Justice, but we have that, we have the recording of that, but I don't have a transcript of that. So we'll just listen to the recording of that statement before she testifies.

And then we have a witness that's scheduled to be here at 1:00 in the afternoon. His name is . He's made a number of statements as well.

So after testifies, we'll go on with the statements, recording statement for the next witness, all right.

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, of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

THE WITNESS: I want to be sure that I understood what it was.

BY MS. ALIZADEH:

Q Would you state your name and spell it for the court reporter, please?

A It is one , please, in .

Q Mr. , good morning.

A Good morning.

Q We've met before. I'm Kathi Alizadeh and you know that I'm one of the prosecuting attorneys who is putting on the grand jury investigation with Sheila Whirley as well, right?

A Yes.

Q And I know you were here last week and you and your wife came in, and I apologize that we didn't have time to get to you, but you were good enough to come in today. So we will get you out of

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here as soon as we can, okay?

A Sure.

Q The microphone that's in front of you, does not amplify your voice. So just make sure you keep your voice up so we can hear you all the way back here.

A Okay. Most people tend to tell me to tone it down because I project. So I don't think that will be a problem.

Q Okay. You've got a nice voice there, everybody will raise their hand and let you know if they can't hear you or need you to repeat something.

Sir, how old are you?

A .

Q And are you married?

A Yes, I am.

Q Who are you married to?

A .

Q And do you and have any children together?

A We have,

.

Q Okay. So what is your biological child?

A They're .

Q What is her name?

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A There's

.

Q And those are your step or biological?

A Those are my biological.

is my stepdaughter.

Q Okay. So you --

A

Q You and , and who is the other daughter?

A and she's our youngest and is my stepdaughter.

Q And are , are they both adults or are they minors?

A They are all adults. The youngest is currently years old.

Q And are you familiar with the Canfield Green Apartment Complex?

A Only that I've ridden out there a couple of occasions with the family. has a friend who lives there.

Q So you don't have live in the complex?

A No, I live in north St. Louis.

Q And none of your family lives in the complex, correct?

A No, they do not.

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Q Okay. And so do you recall the morning of August 9th of this year?

A The day of the shooting?

Q Yes.

A Yes, I do.

Q Was there anything special or unusual about that morning?

A We were taking

And as we were driving down Canfield toward the complex, we heard what first sounded like overly loud fireworks. And we looked up, saw the flashing red and blue lights.

At this point I noticed the officer and a large black man, about my size, who appeared to be pointing a gun. I believe they were having a shootout at the time, I believe they were having a shootout. And the young black man appeared to be pointing in our direction and I was afraid for my family at the time.

Q Okay. Let me stop you.

A Uh-huh.

Q And we're going to start --

A Sure.

Q -- at the very beginning. So you were

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going into the complex, do you remember what time, approximately, what time of day it was?

A It was bright and sunny, that's all I can remember.

Q Do you remember this being a Saturday?

A Uh, at this point, no, I don't remember what day of the week it was.

Q Okay. And so were you in a vehicle?

A My wife's .

Q And who was driving?

A My wife.

Q Where were you in the car?

A Front passenger.

Q Were there any other people in the van with you?

A and I believe two of the grandchildren, but I don't recall which two.

Q Are the grandchildren, are they minors?

A They are minors. The oldest one is .

Q Okay. And so you said you were coming into the complex, was driving into the complex?

A Yes, she was. We were in traffic.

Q And do you remember, I'm going to direct

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your attention to Grand Jury Exhibit Number 25, which is an aerial view of the streets and buildings that comprise the complex?

A Which way is Florissant?

Q So what I'm going to tell you is that this is north, up is north?

A Okay.

Q And so if you were to see that this is Canfield Drive that goes through the complex, if you continue on here you are going to West Florissant?

A Okay, okay. We were coming from Florissant down the drive.

Q Okay.

A Our destination was this parking area back here behind one of these two houses. We always pull up from the back, so I'm not sure which house it is, but lives in one of these houses. (indicating)

Q Here, let me have you, let me show you here, this is a laser pointer. So instead of having you stretch yourself, you can use that?

A Okay, sure.

Q So you were in the van and you were coming east on Canfield?

A Yeah. This curve here is, we were coming,

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we were on this curve when we heard the first shots, which called our attention to it. And we began scanning the distance down the hill here looking for the source of the, looking for the source of the sound.

Q Okay. Now, let me tell you and remind you that I know that you had other people in your vehicle.

A Yes.

Q And I know they all saw things as well.

A Uh-huh.

Q What is important is that you testify about what you saw.

A Right.

Q And what you heard and observed as opposed to if maybe you and your wife?

A Right.

Q Or your daughters talked about this later and they talked about what they saw.

A I understand.

Q You're saying we did this and we were scanning the area, what is important is what you did.

A Right.

Q Okay. So as the vehicle comes to this

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bend, which is at the northwest corner of the map, right around Coppercreek Road, you said that having heard what you believed to be fireworks?

A Right. They sounded a little too loud for fireworks.

Q Okay.

A And looking down further down the street, I saw the lights from the squad car.

Q Okay. So let me stop you. Get some details before we get to that point.

A All right.

Q Were your van windows up or down or do you recall?

A Um, a couple of inches. I like the fresh air, but I don't like the wind blowing in my ear when we drive. It is usually cracked two or three inches.

Q Okay. Do you recall would you of had the radio on or music playing?

A No radio, but I had four adults and two children in the car

There was a lot of noise.

Q A lot of chatter?

A Yes.

Q Okay. So, and then how is your hearing,

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Mr.

A My hearing is pretty good.

Q What about eyesight, do you wear glasses?

A I do not wearing glasses. I have trouble reading, uh, I have trouble reading street signs when we're driving.

Q Okay.

A But other than that, I don't have any problem. I can read, uh, united we fall, divided we -- united we stand, divided we fall is kind of fuzzy on the seal.

Q Okay.

A I can see the MDCCXX, the roman numerals at the bottom. I don't wear glasses.

Q Okay. So now, as you come around the bend and you said that you looked down, kind of scan down Canfield, which at that point as you are coming around is kind of a straight shot, correct?

A Right.

Q And you see, you said you see a squad car?

A Now, I do not, I still don't know for sure. I didn't recall when I gave my first statement, whether it was a car or an SUV. I didn't pay that much attention to the vehicle, but I saw the lights.

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Q Okay. So lights meaning like the light bar on top of the car?

A Right, the red and blues.

Q You saw those were going off?

A Yes.

Q And what did you see as far as people at and/or around the vehicle, please vehicle?

A Um, I saw people, residents and citizens coming from various different directions. I saw the officer out of his vehicle, I didn't see him exit his vehicle. When I first seen the officer, he was already, uh, several feet from his vehicle.

Q Okay. So can you use the pointer and point to where you believe you first saw the vehicle, not where you were, but where was the police vehicle?

A There's an image of a vehicle on your map here and it is near that one, it is near this side road here in between this one and this side road here. (indicating)

It was in this area here. (indicating)

Q Okay. So was the vehicle when you first observed it, was it moving or was it stationary?

A Stationary.

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Q Okay. Did you ever see it move after that?

A No, I didn't.

Q Okay. So when you came around, you said you saw the officer and he was already out of the vehicle?

A Yes, with his back to me.

Q And you said he was a ways away from the car?

A Yes.

Q So in what directional was he away from the car?

A He was down the street because he was moving down the road away from his vehicle. The officer was near the yellow line.

The vehicle was about 45 degrees from the curb and the officer was out near the yellow line moving down the road away from the vehicle.

Q Okay. So when you say the vehicle was about 45 degrees away from the curb, do you mean that the vehicle was angled or do you mean that it was, I don't understand?

A It had been like it had been pulled in and the right front wheel was at the curb and the vehicle was about 45 degrees, like it had been

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parked at an angle.

Q Okay. So it wasn't in the lane as if, you know, if you were driving down that street, you would be going straight down the lane?

A You will have to see people parked at an angle on Sundays out in front of churches, it was at an angle by the curb.

Q Was the officer's vehicle blocking the road so that other vehicles could not go past?

A Uh --

Q Or do you know? Don't guess if you don't know.

A I don't think it was blocking. I'm not positive, but I don't believe it was blocking the road. It was closer to the curb.

Q Okay. So you said when you first saw the officer, he was, his back was toward you?

A Yes.

Q And he was moving away from you?

A He was moving away from us toward the guy that he was shooting at. I first seen the officer, the officer was between me and the guy he was shooting at. The officer was facing the other guy and guy that he was, I'm sorry, I don't know what to call the other guy.

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Q We now know that the person who died was named Michael Brown.

A Okay.

Q So it is okay --

A Mr. Brown.

Q And just to be clear, so you didn't know Mr. Brown before that day?

A No, I did not.

Q And is that the bigger black gentleman that you described having seen?

A Yes, the one that was shot.

Q Okay. So let's back up for a second so when you see the officer.

A Uh-huh.

Q You said he's a ways away from the car with his back towards you and he's moving away from you.

A Yes.

Q So are you good at distances?

A Not that good.

Q Okay. Can you give me an idea how many feet or car lengths or a football field?

A A car length, maybe two, between them or between us.

Q Between the officer's vehicle and where

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you first saw the officer you said he was aways from his car?

A Not more than a car length from his vehicle.

Q Okay.

A A couple of strides.

Q And when you say he was moving away from you, can you describe how he was moving? Was he running, was he walking, was he walking quickly, jogging?

A Uh, a trot, a brisk trot.

Q Did you see at that time if he had a gun in his hand?

A I couldn't see what he had in his hands, his back was to me.

Q Okay. And so, now as you look and you said you saw the officer, did you also, when you first looked, could you also see Michael Brown?

A Yes, my first, that was my first view of Michael Brown. He was in direct line just past the officer and he was pointing in our direction.

Q Okay. So he was facing in this direction?

A Yes, ma'am.

Q Okay. So the first time you saw him, you saw his front?

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A Yes.
Q Okay. You never saw the back of him?
A No, I did not.
Q Okay.
A He appeared to be pointing directly at the vehicle we were in, he was pointing at the officer in the officer's direction and because of our point of view, he appeared to be pointing at us.
Q Okay. Did you see anything in his hands or anything that he was doing with his hands?
A I believe I saw a flash of light off of something.
Q Okay. And now you had mentioned earlier, and I believe in your statement as well, you said at first you thought he had a gun?
A Yes, that was my belief.
Q So that was an impression you got --
A Yeah, I was scared the bullets were going to start coming through the windshield.
Q Now, let's back up just a bit. When you were coming around that bend and you heard what you now know are gunshots, how many shots do you think you heard?
A Three or four.
Q Okay. And then when you saw, you first

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saw the officer, did you see him after you heard the gunshots?

A After.

Q After, okay. So when you saw the officer and he's moving away from you, could you tell was he firing a weapon as he was moving away from you?

A Uh, the next shot I heard was after Michael Brown started running, the officer fired and I saw Michael Brown stagger and fling his arms out. At which point he turned around and came back toward the officer.

Q Okay. Now, let's back up. When you first see Michael Brown, he's facing the officer?

A Yes.

Q And you said it appeared that he was pointing?

A He looked like he was pointing at us, yes.

Q Can you stand up and show the grand jurors how you saw what it looked like he was doing?

A He's about my size, young black guy and he looked like he was pointing. I can't tell one finger or two, I can't tell what he had in his hand, but I thought I saw a glint. I believe it was a gun.

Q Okay. Now, when you saw him, when you

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first saw him, was he moving or was he standing still or standing in place?

A I'm not certain.

Q Okay. As you then come around the bend and you see this, describe for me, you can sit down, we'll go through this again step by step, but describe for me what you see next happened?

A Well, after seeing him and the officer and seeing him point and getting this impression that he was going to start shooting in our direction, uh, like that, Mr. Brown spun and started to run away down the street going this direction.

Q Okay. So that would be east down Canfield?

A Yes, down Canfield away from Florissant and away from our vehicle. At which point the officer fired one shot and I saw Mr. Brown stagger.

Q Okay. Let's back up now then. You had said when you saw the officer he was, his back was to you, he's moving ago way from --

A Moving away from us, moving toward Mr. Brown.

Q And you said he was near the yellow line?

A Yes.

Q Where was Michael Brown standing when you

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first saw him? Was he in the street, was he in the grass?

A Out in the middle of the street.

Q Okay. And what was the distance when you first saw them between Michael Brown and the officer?

A Uh, perhaps the length of this courtroom.

Q Okay. So maybe --

A From me to the flag.

Q Okay.

A 15, 20 feet.

Q Okay. And so then you say you saw Michael Brown, he was pointing when you first saw him?

A Right.

Q You saw him spin around?

A Spin and run.

Q And run where?

A Down the street.

Q So he stayed in the street?

A Um, he might have been angling toward this side of the street, but he was running straight down the center of the street that's turning, so, he was running straight away from us.

Q Okay. When you saw him, did you notice how he was dressed, and I mean, Michael Brown, did

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you pay any attention?

A Blue jeans, white T-shirt, tennis shoes.

Q And so, and you said you thought you saw a glint in his hand, but did you see anything once he turned around and was running, did you notice anything in his hands?

A I thought I saw him throw something or lose something when the officer wounded him and he, when he was wounded, he flung his arms out and spun back around. And I thought something might have flung from his hands. I wasn't certain at the time I gave my original statement. This was an impression that I got that I thought he may or may not have lost what he had in his hand.

Q Okay. Could you tell when you first saw Michael Brown, did he have a hat on?

A I don't remember a hat at all.

Q Okay. And so you say that he was running away from the officer and the officer was, you said a fast trot, I think?

A A trot or a jog.

Q A jog?

A He was trying to close the distance.

Q And when the officer was running, after Michael Brown spun around and started to run east

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down Canfield Drive, did the officer fire at him?

A Yes.

Q And then you said, you had said something about Michael Brown being wounded.

A Yeah, when Mr. Brown was running away from the officer, one shot was fired. Mr. Brown staggered a little to the left and his arms went out. It looked to me like he was shot in the left leg or low on the left side and he spun around.

Q Did you see any blood coming from him?

A No, I wasn't close enough to see blood.

Q So it was just by the way he reacted that you thought he was shot?

A The way his body jerked.

Q Okay. And so you say he spun around, so when he spun around, was he facing the officer at that point?

A He spun 180 degrees and came back toward the officer.

Q All right. When you say he came back toward the officer?

A Several steps back toward the officer.

Q Okay. Now, can you stand up again, sorry, up down, up down.

A That's okay.

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Q It is like church.
A It's all right.
Q So can you describe for me when you say he spun around and he flung his hands out.
A Yeah.
Q Show the grand jurors what you mean by that?
A Okay. Pardon me. His left leg kind of jerked a little and his arms went out as he was running. He kind of, and he came about. (indicating)
Q Okay.
A He continued the turn.
Q Now, you're doing something with your hands, is that what he was doing?
A His arms came down.
Q Okay.
A After he completed, after he completed his turn and recovered his balance, his arms came down.
Q Okay.
A And he proceeded to take several steps toward the officer with his arms down.
Q Okay. And did you, so at this point when you say down, do you mean at his side?
A I mean hanging loosely at his sides.

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Q And the steps that he took toward the officer, can you describe how he was doing that, walking, walking quickly, running?

A Walking.

Q Walking?

A Yeah.

Q And about how many steps did he take toward the officer?

A He got three, maybe four steps.

Q From where he had turned around?

A Yes, he had gotten three, maybe four steps.

Q Was the officer still going toward him?

A Yes, they were still closing the distance.

Q Okay. Did you hear anybody saying anything at all during this time?

A At this point lots of bystanders had started screaming, but I couldn't make out what they were saying.

Q Okay. Could you tell if there was any, whether the officer or Michael Brown was saying anything?

A I couldn't hear them.

Q Okay. Could you tell if they were saying anything, like did you see?

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A I didn't, I didn't get any impression. I could hear a couple of women screaming, you always get somebody's mother or sister or cousin screaming at the police, even if nobody gets shot, there is always somebody screaming.

Q Okay. So then as you, are you still watching this whole time or were you ever like ducking down in the van because you thought maybe you were going to get shot at?

A Uh, I was sitting as low as my seat belt would allow me to. I wasn't, I was in a bucket seat of a with the seat belt on. I couldn't go, I couldn't move very far.

Q So from the time you came around that bend, did you watch the entire time or was there a time when you looked away or looked down to where you might have missed something?

A I was intent on the shootout or what I believe, what I believed to be a shootout in front of me because I was worried about stray bullets coming through the windshield.

Q So when you saw Michael Brown, he had turned around now and his hands were down at his side?

A Down at his sides.

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Q And he's taking a few steps toward the officer?

A Yes.

Q What happens then?

A The officer unloaded on him.

Q And what do you mean by that?

A I mean, he fired four or five shots in rapid succession. He gunned him down.

Q And what did you, did you see, what did you see Michael Brown doing as the officer was firing his weapon?

A Fall.

Q In what direction did he fall?

A Uh, he crumpled, he crumpled in, well, on the map he would have crumpled to the north, but basically he crumpled to his right going this way and fell and collapsed.

Q Was he in the street or in the grass or on the sidewalk?

A He was still in the street.

Q In the street. Did he fall forward or on his side?

A He crumpled to the right and I believe he landed on his back, but he appeared, it looked like his right leg gave out. He crumpled to the right

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and fell away from the officer who at this point was a little more to one side of him.

Q Okay. Now, let me ask something I haven't clarified yet.

When you were coming around the bend and driving, correct?

A Uh-huh.

Q Did you all, did she continue to drive as this was going on?

A No, no.

Q Did she stop the ?

A No, we saw, we saw the police and the crowd and we turned onto, excuse me, we turned onto this side road here and drove around the back to house. I still can't remember which one of these two houses it is, but we drove around to avoid the scene.

Q Okay. So you took a left onto Coppercreek Road?

A Right.

Q You drove around Coppercreek Road, all the way to Stonefield Road?

A Uh-huh.

Q All right. So fair to say then that you never got farther east than this intersection?

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A Right. And was never more than, was never any closer than two blocks from the shooting.

Q Okay.

A Like I said, I wasn't close enough to see any blood or to hear any verbal exchange between.

Q Okay. So after you saw Michael Brown collapse you said and he landed in the street.

A Uh-huh.

Q At that point, were you already on Coppercreek Court or --

A That's the point where we were looking for somewhere to turn off because we were like, we got to get out of here. Traffic had held us up at this bend.

Q So there were other cars?

A The street was blocked all the way down to this point here. The whole street was lined with traffic.

Q So there were other cars in front of your van?

A Yes, we were caught in traffic.

Q And so I'm guessing, or I shouldn't guess, so when you were driving down here, did you immediately turn or was there a time where you were stuck in traffic or stopped in the road?

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A We turned, we turned a few seconds after Mr. Brown hit the street, after he collapsed because as soon as he collapsed, we started looking for an exit.

Q Okay. As you went left onto Coppercreek Road and traveled in this direction north and then east, could you see any more what was going on over there on Canfield Drive?

A Uh, I didn't have any feel, I didn't have any clear line of sight. We saw people running and walking to and from, and we saw police cars coming from every different direction, but I couldn't see anything beyond that.

Q From the time you came around this bend and you said you saw the officer's car?

A Uh-huh.

Q I know you said police came later, but was that the only police car that you saw when you came around the bend?

A That is the only car that I observed.

Q Okay. And then you said you saw an officer, was he in uniform?

A Yes.

Q And do you know any Ferguson police officers?

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A No, I don't.
Q So did you see any other uniformed officers at that time when you first looked down the street? Were there other officers with him?
A I don't remember.
Q Okay.
A I don't recall. My attention was focused on where the shots were coming from.
Q And so when you say you saw Michael Brown turn around or now, you see him turn actually twice, correct? You first see him, he's looking toward the officer?
A Right, he turned to run and he spun back around when he was wounded or like, I still think he was, I still think he was wounded when he was running.
Q How, from the time he first turned around and ran away from the officer until he stopped and spun around.
A Uh-huh.
Q How much distance did he cover in that time?
A 50 feet maybe.
Q Okay.
A Give or take a little bit. I'm two blocks

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up the street. I'd say about 50 feet.
Q Now, you have demonstrated for us that when he was, when Michael Brown was running away, and you said he kind of?
A Staggered.
Q Staggered and his arms flung up and you demonstrated that.
A Uh-huh.
Q Can you just stand up and put your arms in that position so I can describe it?
A Sure.
Q Let me turn around.
A Okay.
Q Put your arms up the way he had them?
A Okay. The way the flung out, yes.
Q So your left arm is extended away from your body at about a 45 degree angle?
A Down and out.
Q Down and out?
A Yes, and the right arm was higher, shoulder level as he spun.
Q Okay. And, okay, thank you. And then when he spun around, what did his hand do?
A As he came about to face us again, his arms came down to his sides and hung loosely at his

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sides.

Q All right. Did you ever see Michael Brown clutching his torso or have his hands anywhere in his mid section after he turned around and faced the officer?

A Not that I recall.

Q Did you ever see Michael Brown put his hands up?

A No, I never saw his arms up.

Q Never saw his hands up like that?

A Never saw his hands up.

Q Other than the way you have demonstrated?

A Only when he flung them out in spinning around. I never saw him put his hand up.

Q Okay.

MS. ALIZADEH: Sheila, do you have any questions? I'm out of questions, thanks.

MS. WHIRLEY: Okay.

Q (By Ms. Whirley) So you first saw the officer when he was out of his vehicle, correct?

A Yes.

Q So you did not see any tussling or altercation at the police car with Michael Brown?

A No.

Q All right. Um, can you describe the

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officer's demeanor when you first saw him and by that I mean, can you show us what he was doing? You know, like did he have a gun pointed, was he, what was he looking like when you first saw him?

A When I first saw him, I was looking at his back as he was walking away from me or trotting, toward Mr. Brown.

Q Okay. And from behind, that's what you could see, could you see his hands from behind, from his behind, I mean, his behind was facing --

A They looked like they were up. He probably had his, probably had his gun in his hands.

Q It appeared --

A I couldn't see the gun. They looked like they were up.

Q As if he was holding a gun and pointing a gun?

A Yes.

Q And just to be clear, the officer was shooting at Michael Brown when he was running away from the officer?

A One shot.

Q One shot. And you think that shot actually struck him?

A The way he staggered, I do believe it

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struck him.

Q But you couldn't tell where?

A No.

Q Okay. And as Michael Brown was running away, it appeared he had a gun in his hand as he was running away, because you said?

A I saw, I saw what I thought was something fly from his hand when he spun, but it was an impression I got and since my original statement to the police, I said that I wasn't certain because of the distance, but I got the impression that something flew out of his hand when he was struck and spun around.

Q Okay. So while he's running away, is he facing you or not?

A His back, because he was running almost directly away from us down the road.

Q Okay. So both the officers back and his back was to you as they were running away?

A Yes.

Q And the officer was closest to you?

A Right.

Q But it looked like to you that from the back, Michael Brown had a weapon?

A Um, I didn't see anything in his hands

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when he was running.

Q Okay.

A I saw what I thought was something fly from his hand when he spun.

Q Okay.

A And I saw a glint off of something in his hand when I first saw him because the first time I laid eyes on Mr. Brown, he was pointing at us. And I thought I saw a glint off of something in his hand.

Q Okay. All right. So as he ran and the officer fired a shot, he thought he was hit, he staggered?

A Yes.

Q He turned around, as you demonstrated for us how he turned around.

A Yes.

Q So once he turned around and he was walking towards the officer, you said a few steps, was he staggering still?

A He did not seem to be staggering. He was walking fairly well.

Q Okay. He no longer seemed to be staggering?

A He wasn't moving very rapidly, he was

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walking slow. At a much more normal walk.

Q Can you kind of show us what you mean, please?

A After he spun around and walked back toward the officer, it cars more of a, it was more of just, you know, walking across the room. It was just walking like, you know, I'm walking back toward the officer. (indicating)

Q Not like he was injured or anything?

A It was a fairly normal walk.

Q Okay.

A It did not appear that he was --

Q Okay. As he's walking, that is when the officer said what?

A Open fire.

Q Open fire. And that's when Michael Brown went down?

A Yes.

Q Okay. Did it appear to you that Michael Brown was charging the officer?

A I didn't get the impression of a charge because it wasn't fast enough to be a charge.

Q Okay. Did it appear to you that the officer had to shoot Michael Brown in order to protect himself?

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A I wouldn't say had to. At the time I was relieved because I believed at the time, I still stand by my original statement, but my impression at the time was that it was a shootout between the officer and Mr. Brown in a residential neighborhood surrounded by bystanders who were all stupidly running toward a gun fight.

Q But you never saw Michael Brown fire a gun?

A I never saw him fire anything.

Q So it was just your assumption that it was a gunfight?

A Right.

Q Okay. So my question is, when the officer opened fire, did it appear that he had to do that to protect himself in your opinion?

A Um, I couldn't see Mr. Brown's hands and I wasn't sure if he lost the weapon, if there was a weapon.

I felt, at the time I felt the officer did what he had to do.

Q Is that what you think here today?

A I still feel that the officer did what he believed was the right thing.

Q Okay. And I noticed in your statement

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that you gave to the police back on August 13th of 2014, you said you did ?

A Yes.

Q Tell us about that, what was that for?

A I'm a . I'm a convicted felon and I don't have any love for the police.

Q Okay.

A My wife and I felt that we should do our civic duty and come forward and tell everybody what we saw. I'm not comfortable being here, but I'm trying to do the right thing.

Q Okay. Questions?

MS. ALIZADEH: Let me ask a couple just to clarify, and I didn't ask you about this earlier,

Did you see another black younger male that was smaller than Mr. Brown at, near, around the vehicle or running in that area?

A I have no idea who you might be speaking of. The neighborhood was filled with young black people. They were all over the place. It is a neighborhood full of them.

MS. ALIZADEH: So you don't recall seeing anybody near, or besides Mike Brown, and you've already described where you saw him, did you ever

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see another black gentleman at or near the police vehicle?

A No, my attention was on the officer and Mr. Brown. I did not.

Q Okay. And, you know, from what you've stated, you didn't see anything that occurred prior to you coming around that bend, correct?

A Correct.

Q So if there was anything that happened prior to you coming around the bend, whether it was between the officer and Mike Brown or anyone else that was there, you didn't witness that?

A Correct.

Q And let me ask you because Sheila Whirley had asked you about whether or not you felt the officer had to fire, if there was something that occurred prior to the officer running after Michael Brown, you have no idea what that was?

A No, I do not.

MS. WHIRLEY: Just one last follow-up. As Michael Brown is running away from the officer and he fired at him.

A Uh-huh.

MS. WHIRLEY: Did it appear that Michael Brown was a threat at that time in your opinion?

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A I believe that, I believe, I certainly believe at the time that Mr. Brown was dangerous. It was my belief at the time that here was somebody with a gun running from the police in a residential neighborhood. That's always a danger, a very real concern.

MS. WHIRLEY: Okay, thank you. Anybody else, questions?

What were you doing when you entered the complex? You said your wife was driving and you were in the passenger seat, what were you doing at that time, were you looking around, were you talking?

A I was playing with my phone until I heard the shots.

Okay. So you were looking down at your phone?

A And we heard shots.

Okay. I just want to confirm since you thought there was a gunfight and that was because of the sound, not because of anything you saw.

A Right.

And where on the map was Michael Brown when he turn around or spun around as

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you said to face the police officer?

A He had started around here and was running this way.

Okay.

A And had gotten perhaps 50 or 60 feet.

: Okay. And then he started walking back and where was he at when he fell, did you see where he fell?

A Somewhere in this area. (indicating)

Okay. And you said throughout everything that Michael Brown spun around, do you feel that he spun around on his own accord or do you feel it was due to the impact of being shot.

A The bullet, the impact of being shot, uh, certainly appeared to have started him turning. And whether he continued of his own volition or not, I'm not certain. It looked like the impact started to spin him around and when he completed the turn, he was facing us again and came back toward the officer.

: Okay. So you feel that maybe if he hadn't been shot, he might have continued to run that way?

A Right.

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Were you able to see Michael Brown's face after he spun around?

A From that distance, it was just a large black guy.

Okay. This question is going to be uncomfortable for you to answer, but Michael Brown you said was your size?

A That was the impression I had.

How tall are you?

A I'm 6'1".

Okay. How much do you weigh?

A 210.

Thank you, I'm done.

You mentioned that you are a big guy and we know Michael Brown was a big guy, and do you think that anything to do with the threat towards the police officer because he was a big guy?

A It's possible, it's possible. I don't believe the officer was as tall. My impression was that the officer was perhaps 3 or 4 inches shorter than Mr. Brown. I'm not certain how tall either one of them are, but I got the impression that he was about half a head shorter.

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Okay. With him having a gun that you perceived he had?

A And physical size.

And physical size.

MS. ALIZADEH: Anyone else have a question? Okay. This will conclude the testimony of Mr.

(End of the testimony of)

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Could you state your name, please?

A

Q And how are you employed, sir?

A I'm a special agent with the FBI assigned to the St. Louis field office.

Q How long have you been an agent with the FBI?

A Almost 24 years.

Q And have you always been assigned to the

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St. Louis office?

A Yes, I have.

Q And so were you assigned as a special agent with the FBI St. Louis office back in the month of August of this year?

A Yes, I was.

Q Have you had occasion to assist in the investigation into the shooting of Michael Brown?

A Yes, I have.

Q And have you as part of that investigation, have you interviewed some witnesses?

A Yes, I have.

Q Did you interview a witness named ?

A Yes, I did.

Q And did you do that by your yourself or with another agent?

A There was another agent assigned with me to do that interview.

Q Where did that interview take place?

A At residence at the Canfield Green Apartment Complex.

Q How is it, how is it that you knew to contact , do you recall?

A We were assigned, every team of agents was

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assigned a specific building and a specific venue. And that particular apartment was in our venue.

Q And so was this then as a part of an area canvas?

A Yes, it was.

Q And just to be clear, so a canvas is basically you're going door to door and knocking on doors and stopping people when they pull into the parking lot, get out of their cars, asking them if they saw anything or know anything; is that right?

A That's correct.

Q And so when you went to see , this wasn't as a specific purpose to interview

A That's correct.

Q So when you went to ' apartment, was someone home?

A Yes.

Q Who was there?

A We knocked on the door and answered the door.

Q Do you recall what day this was?

A It was on a Saturday following the shooting, I believe it was on the 18th.

Q So this is a week after the shooting, the

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shooting happened on the 9th, which was a Saturday, so this would have been the following Saturday?

A Correct.

Q And so when answered the door, were you dressed similarly as to how you are now?

A Yes.

Q Did you identify yourself as an FBI agent?

A Both of us did.

Q Did he invite you into his apartment?

A Yes, he did.

Q Was anyone else in the apartment?

A His fiancee was there and her younger brother was also there.

Q Do you recall the fiancee, is it ?

A Yes.

Q And her younger brother, was he a child, was he teenager, was he a young adult?

A He was a teenager who did not live there, he was just there for the weekend.

Q Okay. And so did you talk to about whether he was home on August 9th and heard or witnessed anything involving the shooting?

A Yes, he did.

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Q He told you he witnessed a part of it; is that right?

A That's correct.

Q And specifically, well, let me ask you this, did you record your interview with ?

A Yes.

Q All right. And did you later listen to that recording?

A Yes.

Q And did that, your recorder accurately record the interview that you had with

A No.

Q So your recorder malfunctioned or didn't work for some reason?

A It was either a mechanical malfunction or operator error.

Q So you don't have a recording of the interview you had with ?

A That's correct.

Q Shortly after your interview with him, did you, let me ask you this. Did you make notes as you were interviewing him?

A Yes, we did.

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Q And shortly after that, did you go and use your notes and your recollection to prepare a report about that interview?

A Yes, we did.

Q And did you do that within a couple of days after the interview?

A Yes.

Q So when you made your report, that interview was fresh in your mind?

A Absolutely.

Q Okay. And so, and did you also have your partner on that day review your report after you completed it in order for him to see if he recalled the same thing that you had recalled?

A Yes.

Q Okay. And so how long were you talking to in his apartment, approximately?

A We were probably there for 35 minutes.

Q And was he cooperative with you?

A Yes, he was.

Q And so he told you that he saw, he was in his apartment when he heard some shots, correct?

A Correct.

Q And what did he say he did after he heard the shots?

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A He initially heard the shots, he was sitting on the couch when he got up, he heard the shots, he went up and looked out his window and he had a partial view of Canfield Drive from his apartment window.

Q All right. And what did he tell you who, if anybody, did he say he saw when he looked out the window?

A He saw who he now knows to be Michael Brown in the street walking away from the apartment building, kind of walking going down the street.

Q Okay. There is a laser pointer in front of you, you were gesturing with your hands toward the map, which is Grand Jury Exhibit Number 25. Do you recall, does this look familiar, these buildings?

A Yes.

Q Do you know what buildings he was in?

A , which is right here. (indicating)

Q Okay. And so you had gestured that he saw Michael Brown walking and you went like that? (indicating)

A Correct.

Q What direction did he see Michael Brown walking?

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A His apartment window would have been right here. He would have seen Mr. Brown walking this direction. (indicating)

Q So he would have been facing west on Canfield Drive walking in a westerly direction if this is west?

A That's correct.

Q Okay. And did he see any police officers from that vantage point?

A Initially, no.

Q And what did he say he saw Michael Brown do?

A He heard the first couple of shots, three shots, went to his window, looked out and saw Mr. Brown walking westward down Canfield Drive. He heard approximately six more shots, saw Mr. Brown grab his torso with one hand and had another hand up, drop to his knee and fall to the ground.

Q And so when you interviewed let me ask you this. Had he just like gotten up out of bed or was he intoxicated or under the influence of something that you thought might make it, might affect his ability to recall what he told you?

A No, he answered the door, he was alert and willing to answer any questions.

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Q Okay. And so he told you that he saw Michael Brown walking away from him. In other words, away from where he was in his apartment. And then in the direction where he would have been walking west on Canfield Drive?

A Correct.

Q Okay. Did you ever go back and actually clarify that with him as far as whether or not he saw Michael Brown moving in the direction, moving in that direction or whether or not Michael Brown was standing still?

A We clarified that with him at least three times during the interview just to make sure that we understood what he was saying, and the other agent made sure what he was saying.

He was very clear that he saw Mr. Brown, he now knows it's Mr. Brown, at the time he did not know who it was, walking, walking west on Canfield.

Q And this was after he had heard a series of gunshots, correct?

A Correct.

Q And then he observed him, he heard another series of gunshots, did he tell you if he could see who was firing the weapon?

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A He could not see who was firing the weapon.

Q And then did he say he saw Michael Brown, you said, clutching his torso or holding his torso and then one hand up. I can't recall which hand, you demonstrated. I think you demonstrated your right hand up?

A That's how he demonstrated it.

Q Okay. And then he went down to one knee and collapsed in the street?

A Yes.

Q Did he tell you then he saw a police officer after that?

A After Michael Brown had fallen to the ground, he saw an officer approach Michael Brown from the west and approach Michael Brown.

Q And so the officer was coming from the west, was he walking east on Canfield then?

A Correct.

Q Did he approach the body of Michael Brown?

A Yes.

Q And so from vantage point, he could see where Michael Brown came to rest in the street?

A Correct.

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Q And after Michael Brown collapsed, he saw the officer walk up towards him?

A Correct.

Q Did you clarify with him that the direction that Michael Brown was traveling, walking, was in the direction from where the officer eventually came?

A Yes.

MS. ALIZADEH: I don't have anything else.

MS. WHIRLEY: The only thing I have, I don't think it was addressed,

A Yes.

MS. ALIZADEH: I didn't ask that, good call.

MS. WHIRLEY: was there at the time, correct?

A Yes.

MS. WHIRLEY: And did you have occasion to speak with her?

A Yes.

MS. WHIRLEY: What was the nature of that conversation?

A As part of the canvas, we were asking anybody if they saw anything and, um, talking to , he said that he had called her into the

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living room during the encounter, during the shots. So we asked her specifically, she was in the kitchen, we asked her specifically if she saw anything. She said no. We asked her why, she said well, by the time she had gotten into the living room by the window, it was over.

She was in the bedroom at the time, he had summoned her into the living room and at that point it was over, she didn't see what happened.

MS. WHIRLEY: You gave her an opportunity to tell you whether or not she saw something and she, in fact, told you she did not?

A Correct.

MS. WHIRLEY: That's all I have. Anybody else have questions?

I just want to verify the date. This was, this took place on 8/16?

A It was a Saturday, our interview was the Saturday after the incident took place.

MS. WHIRLEY: The same Saturday that the incident took place?

A A week later.

MS. ALIZADEH: My math is terrible, but 9 plus 7 was 16. I had to do it in the sky.

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Any other questions for the agent?

Did you look out the window that they looked out of, did you see the area where Michael Brown was, was he able to see what he reported seeing?

A Yes. That street was not completely visible from his apartment. You could only see parts of it. So as far as what he was telling us, what he could see, I would believe would be accurate.

Okay, thank you.

A You couldn't see the whole thing.

MS. WHIRLEY: Anyone else?

You said he could only see part of the road there in Canfield. What exactly was blocking his view?

A I can't recall if it was the building or a tree there, but all I can recall is the view of Canfield was very limited from his apartment window.

MS. ALIZADEH: Anyone else? All right. This will be the end of the testimony of Special Agent .

(End of testimony of .)

MS. ALIZADEH: This is Kathi Alizadeh, October 13th, 10:11 a.m. All 12 grand jurors are

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present, myself, Sheila Whirley and the court reporter , and we just had a small break after a witness testimony. And I want to make sure we put on the record that there was some questions that were asked after the witness testified about some dates and when certain witnesses were interviewed. And I think what we discussed and kind of clarified is that according to what you've heard so far, who is the fiancee of , was interviewed by the County Police on August 9th, the day that Michael Brown was killed.

And that then Agent and his partner went to their apartment and as a part of an area canvas with no specific purpose of looking for anyone in particular other than any witness that saw this.

And that he then interviewed on the 16th of August. He also said that was present in the apartment at the time and said she didn't see anything.

And then you all have also heard from a statement that was interviewed by the FBI, like on September 30th or something, and that during that interview she described what she says on the 30th she saw.

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So there was some question about whether or not the FBI knew that the FBI, meaning Agent and Agent , whether they knew that had been talked to by agent and his partner, and/or whether or not agent was aware that had been interviewed by the County Police prior to their interview of her.

And what I explained to you is, to the best of my knowledge and guess would be that they did not know of the other interviews that had taken place, however, I will tell you that's only until the best guess on my part based upon my understanding of how the investigation was going at that time.

The FBI was working independently of the County Police at that time. And the County Police were not involved in that canvas that took place on the 16th.

Originally, there was talk that was, they were going to do the canvas together, the County Police and the FBI. And then the FBI said, no, we are going to do the canvas just on our own. So the County Police are not a part of that canvas.

And so I can clarify this with Detective and, of course, Detective will

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probably testify again before your investigation is completed, but you certainly can ask him that.

It is my belief and thought is that probably agent was not aware that had been interviewed by County Police when he went to go see, he knocked on their door on the 16th. And then also I would have to verify with Agent and , it is my guess that they were not aware that Agent had seen and had spoken to her on the 16th because Agent did not put that in his report because he, according to him, and I discussed this with him, since said she didn't see anything, he didn't include that. It is like he just didn't.

Whether he should or not is not for me to say, but he just didn't. So I don't think that Agent and Agent were aware that he had talked to when they interviewed on the 30th.

I will certainly try to clear that up for you, but that's only my thought and opinion at this point. All right.

So now, yes.

To so clarify, on August 9th, Miss was interviewed

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by Detective not Detective

MS. ALIZADEH: Correct, yes.

. When I said , what I was thinking of for him to testify about the lack of information flowing back and forth at that time because he was from the get-go, Detective has been in charge of the investigation, but of course, he's only in charge of the county officers. But as the primary detective, he was talking to the FBI, but again, he could clarify this for you, but I believe that at that time on the 16th, there wasn't a lot of back and forth going on. Sharing of information so to speak between the County and the FBI about who had been talked to and what they said and the FBI did this area canvas on their own.

It was their desire that the County not be involved. They wanted to have their own independent investigation so they said we're going to do this, we don't want County coming with us or being involved in that for whatever reason.

So you're right, it was that did the interview with

Okay, at this time we're going to --

So when two different departments are doing these

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interviews, so how do they determine like, I mean, it is freshly on their mind on the 9th or three days after, but then when you come behind like weeks later, how beneficial is that?

MS. ALIZADEH: Well, that's going to be up for you all to talk about when you begin your deliberations. If there's a difference in a statement that's given closer to the time and then there's a statement that was done after that, how long after that, what are the circumstances of the statement, what about, you know, these are all things for you to consider. If there are differences, why are there differences, you know.

Could it be that the first statement was done because it is brief and then as you know, the FBI has come along and Department of Justice have done subsequent interviews that seem to be longer in duration. Are they being more detailed? These are all things that you are going to have to decide for yourself. If there are differences, what do you make of those differences.

So now we're going to listen to a recorded statement of , and if you will recall we've heard from a who testified that he was in a white Monte Carlo that was driven by

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her. It was at the scene on Canfield Drive on that day. is here, she will testify when we listen to her statement. The first statement is about three minutes long and was done by St. Louis County police officers, or detectives.

At this time we'll have cease the recording and I will pass out a transcript of this interview. And so, , you do not need to take down the statement as it is being played and I will give you a copy of the transcript.

(The interview of is being played at this time.)

MS. ALIZADEH: We just needed to mention that statement that we heard was actually about eight minutes long and it was contained on a disc that is marked Grand Jury Exhibit Number 17, and it is a file folder on that disc labeled .

The next statement we are going to hear is also a recorded statement on a disc that's marked Grand Jury Number 36.

(Grand Jury Exhibit Number 36 marked for identification.)

MS. ALIZADEH: It is also a recorded statement of

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I do not have a transcript of this statement. And so at this time I can have , I will have you pause the recording, but if you can transcribe what you are hearing and we can make a record of that then.

MS. : It is 6:26 p.m. on October 13th. This is special agent at FBI building at 2222 Market Street. I am with DOJ trial attorney , and USA here to interview. Will you state your name.

MS. :

MS. : And , will you spell your name?

MS. : last name,

MS. : You just listened to your recorded statement and is the birthday and social security number correct that you gave the detective?

MS. : Yes.

MS. : Okay.

, before we get into some additional questions that we have, I just wanted to just go over some preliminary stuff with you.

When we ask you a question, if for some reason you don't understand the question or you are

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confused by our asking it, feel free to stop us because we are going to assume that you understood when you answer it. And sometimes we trip over our words and don't make sense anyway, so don't think that you are insulting us by correcting us.

MS. : Okay.

: And all your answers need to be out loud because it is being recorded. There may be a transcript made. So if you nod your head, I may ask is that a yes or is that a no.

MS. : Yes.

: So it is totally normal to do that. If I do that, I'm not doing that to you to be rude, okay?

And just referenced that you just listened to your statement is about 8 and a half minutes long. We have a transcript that you are following along with. Do you remember hearing that statement and is it fair as much as you remember with what you said?

MS. : Yes.

: Okay. And so we don't want to really make you rehash everything, we just wanted to ask you some follow-up questions from it. You know, everybody has a piece of the puzzle so to speak. We

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know you only saw, you know, the beginning and the end, we don't want you to think that we're looking for anything and everything possible, just what you, yourself, know, okay.

So, therefore, we just have some follow-up things for you. And one of the reasons we wanted you to listen to your statement is because it has been seven and a half weeks and as you know, this has been on the news and people talk a lot about it, but our goal is to find out what you, yourself, know, not what you may have heard on the news.

So a lot of times it helps to refresh your memory and kind of separate out what you said at the time and what you, yourself, versus what you may have heard based upon the news or the police report, does that make sense?

MS. : Yes.

Okay. Also, we know it is late, you came here from work. At any point you think I've had enough, even though you're in the FBI, feel free to say I've had enough, I don't want to talk any more being, okay?

MS. : Okay.

This is entirely voluntary. We certainly don't want to force you to be here.

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Basically we are just looking for what happened and the truth.

So we have to tell you as I tell everybody that, it's a crime to make false statements to federal agents. So we always say people are very honest people. If you're going to exaggerate or lie, you are better off not saying anything at all then like a lie, okay?

MS. Okay.

: And so basically, like I said we just want to know what happened. If you assume something or you're guessing at something, or you're talking about what other people heard, that's fine as long as you let us know that you are assuming, okay?

MS. : Okay.

: We just really want to know what you know and what you remember. If you don't remember something, it is fine to say you don't remember it. If you don't know the answer, I don't know is a perfectly acceptable answer if you truly do not know.

MS. Okay.

: All right. So I just want to, uh, so I have some follow-up questions based upon

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the original statement that you gave. You had said that initially you saw kind of the beginning of the action, correct?

MS. : Yes, ma'am.

: And then looking in your rear view mirror you ultimately saw the end where Michael Brown ultimately fell and died; is that correct?

MS. : Yes, ma'am.

: At the time did you know Michael Brown?

MS. : No, ma'am.

: You have since learned the individual who died is that victim, is that fair to say?

MS. : Yes, ma'am.

: Have you since given your statement, you described the thing, the guy that was with him with the dreads, that is how you described him, do you know his name or do you --

MS. No, ma'am, I actually, I have heard of his name, but I forgot.

: That is fine. We will just keep referring to him as the guy with the dreads.

MS. : Okay.

: We will refer to Michael Brown

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by his name, is that fair?
MS. : Yes, ma'am.
: If I do that, will you understand who we are referring to?
MS. : Yes.
: So, you had said in your initial statement that you were driving behind the police car SUV; is that correct?
MS. : Yes.
Who else was in the car with you.
MS. : One of our friends.
And who is that?
MS. : His name is , I don't know the last name.
: Okay. And was there anybody else in the car with you?
MS. : No, ma'am.
: And when you were driving, do you remember if your windows were up or down?
MS. : They were down.
: And you had mentioned that, um, that the SUV stopped on the side of the two individuals of Michael Brown and the individual with the dreads; is that correct?

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MS. : Yes.
: Okay. And you said, once, uh, once the vehicle was stopped, can you describe, do you remember, um, you described that tussle, do you remember how it started?
MS. : Um, actually, like I said, as I was behind the police officer, I noticed that he did stop because I was directly behind him, so I had to slow down also.
: Okay.
MS. : In the process of up to two young men walking, Michael Brown and the friend with the dreads walking down the street, he did stop.
: Okay.
MS. : Like I said, I don't know what was said, I didn't hear anything, my radio was down and my windows was down.
: Your windows was down, was your radio on?
MS. : At the time, yes, ma'am, but once we stopped, I wanted to know what was going on so I did turn my radio all the way down.
Okay.
MS. : It was completely down.
: Now, you mention that you don't

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know what was said, is there anything that gives you the indication, anything that you saw that you thought something was said?

MS. : Actually, just by the car just rocking back and forth.

: Okay.

MS. : And that was it. But no, ma'am, I didn't hear anything.

: Before the car started rocking back and forth, did you see any sort of interaction between the guy with the dreads, Michael Brown and the police officer?

MS. : Actually, I did not because how my car sits and how tall the truck was, so I didn't see directly what was going on inside.

: So from your vantage point as soon as you stopped, what's the first thing that you remember seeing?

MS. Um, I just remember the car just stopping.

: Okay.

MS. : And the two, the two young men, just, I didn't see them. So they was kind of out of my vision at the time.

Okay. At the time that's when

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you said you looked under and you saw feet moving, kind of tapping?

MS. : Yes, ma'am.

: Okay. And you also said that the guy with the dreads looked like he didn't know what was going on, what do you mean by that?

MS. : Actually, what I mean by that is because had he like proceeded to go, he came back out.

: So the recording can't pick that up, you are kind of saying, you said he proceeded to go, you we are taking about the guy with the dreads?

MS. Yes, ma'am.

: He proceeded to go, he was going toward the police car?

MS. : He was actually, it looks like he wanted some help.

: Okay.

MS. : But then, I don't want help. It was like back and forth. It happened so fast.

: He moved forward really quickly and moved backward.

MS. : He moved back and his eyes kind of got a little big, a little big.

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: Okay. And that's what he looked like, the guy with the dreads didn't know what was going on?

MS. : Yes, ma'am. Like probably knew what was going on, but you know, probably didn't, you know, something like that.

: So looks like he was going forward and then stops, like changing his mind now?

MS. : Yes, ma'am, like he's shocked.

: While this is going on, were you able to see Michael Brown?

MS. : No, ma'am, I still wasn't able to see him.

: But you saw his feet at that point; is that correct?

MS. Yes, ma'am, I saw a pair of feet just like tapping.

: Okay. Do you know whose feet it was?

MS. : Actually, to be honest, no, ma'am, but I can say the young man with the dreads was towards the back, he was towards the back once I saw come in and out, I just figured that he was towards the back of the truck and wasn't so close to

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the driver's side of the door.
: Okay. So the only two people on the street you saw Michael Brown and the guy with the dreads?
MS. : Yes, ma'am.
: And so since you're describing the other guy with the dreads, the only other person's feet that could have been was Michael Brown?
MS. : Yes, ma'am.
: Okay. So you describe what you saw these feet they were like moving and tapping, and you said some kind of confrontation?
MS. : Yes, ma'am.
: Why do you say confrontation?
MS. : Just because of how feet was moving, how the truck was rocking walking.
: Okay.
MS. The vehicle was rocking.
What about how it was rocking?
MS. : It was just like side by side.
: And this is while the police officer is still in the driver's side?
MS. : Yes, ma'am.

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: Okay. And then you said that the guy with the dreads is looking to see what was going on. What do did you mean by that?

MS. : Actually, what I mean by that because, like I said, he was kind of, like he wanted to go, but he don't.

: Like he wanted to go towards the vehicle?

MS. : Towards, probably try to help, you know.

: Did you actually see what he was doing?

MS. : Uh, yes, ma'am, like back and forth.

: Okay. And then while you are describing all of this, this tussling is still going on between Michael Brown and the police officer as far as you can tell?

MS. : Yes, ma'am.

That's when you heard the gunshot go off?

MS. : Yes, ma'am.

: And then you said that the suspect got shot back up, you talking about Michael Brown when you said that?

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MS. : Yes, ma'am.
: You said the suspect got shot, what about, what made you say that he got shot?
MS. : Actually, I just heard the gunshots. It was just like when I heard the gun go off, he kind of like came off of the truck.
: Okay.
MS. : So that's what made me think at the time that he probably was hit at the time.
: And then, how were you able to see when Michael Brown backed up, were you able to see him?
MS. : Yes, ma'am.
: And why were you able to see him, what move allowed from your vantage point to see him?
MS. : Actually, at this time the truck had kind of came back a little bit more, came back on like hit on the brakes a little bit more. I don't know if he was trying to run or not because actually I couldn't see over that way.
: Can you point out for me a little bit, so Michael Brown, you were able to see him?
MS. Yes, ma'am.

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: Right after the shot because he backed up?

MS. : Yes, ma'am.

: And that was because the truck moved a little bit?

MS. : Actually, when he backed up, he kind of backed, at this time he backed all the way up from a distance to where I can just see his body.

: Okay.

MS. : Like back up.

: Okay.

MS. You know.

: You talking about him backing away from the side of the police car?

MS. : Yes, sir.

: The police vehicle?

MS. : Yes, sir.

: Okay. Then you said he looked amazed?

MS. : Like he was shocked, yes ma'am.

: And then you said, um, that they both, the guy with the dreads and Michael Brown then ran towards to find out what was happening.

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MS. : Yes, ma'am.
: At this point is when you start ducking; is that right?
MS. : Right. After I heard the first shot and I see Michael Brown jump out of the car, yes, ma'am, I was terrified. When they start running because actually, they ran past my car, so I didn't know what was going on.
: And that makes sense. They are running past your car and you just heard gunshots and you were terrified?
MS. : Yes, ma'am.
: You started to duck, correct?
MS. : Yes, ma'am.
You said you were able to see that the police officer ran past as well, correct?
MS. : Yes, ma'am.
: And was there a pause between the time that the boys started running past you and the police officer?
MS. : There actually was. Just because we was trying to get out of the truck at the time. So once we took off running, once Michael Brown and the guy with the dreads took off running, that's when I noticed the police comes out.

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Okay. So there was a little bit of a break?

MS. Yes, ma'am, just enough time to open up the car door.

For you to open up the car door?

MS. No, no, for the police officer to open the car door and get out.

: Did you actually see him open up the car door?

MS. : I could not see from the other side of the car.

: Okay.

MS. : But once he came from away from the car in my view where I can actually see him.

: You already were down inside the vehicle?

MS. Yes, ma'am, at that time I was down.

: At any point did you open your car door?

MS. : Oh, no, ma'am, I did not open up my driver's side of the car.

: How about , did he open

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his door?

MS. : Yes, ma'am, he did.

: Do you know why?

MS. : Actually to get down. We were scared, terrified. I mean, I can't tell why he did it, but I know he was hanging outside of the car trying to get, you know, shelter or whatnot.

: Okay. And so you said that once you saw the police officer kind of go past you, you said you instantly ducked. (inaudible)

MS. : Yes, ma'am, I was down, my whole head was in the passenger seat. So I'm almost on lap.

: Okay. Obviously, you are terrified.

MS. : Yes, ma'am, my hand is on the steering wheel, my feet is on the brake, I couldn't even put my car in park, that's how quick it happened and I just ducked down.

: Okay. So you are not looking out the window at this point?

MS. : No, ma'am, no, ma'am, I blacked out just a little bit. And then, yeah, just -- I blacked out just a little bit. I mean, I don't know why, but I did.

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And you don't how long you blacked out for?

MS. Actually, it was for a short period of time because once I proceeded to sit up and I looked out my rear view mirror, that's when I saw the end, when actually him running, his back was turned and he turned around.

: I'm going to ask you, that part that you blacked out, you don't know what went on from the time --

MS. : No, ma'am, because I'm down. Right.

MS. Because I'm down. As you describe it as blacked out.

MS. : Right.

: Okay. And so you don't know what went on prior to the time where Michael Brown turned around?

MS. Actually, I was up at that time, yes, ma'am.

: While he was on the ground?

MS. : Yes, ma'am.

MS. : Okay. But leading up to that?

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MS. Leading up to that, no, he's running from him with his back from him, with his back from him.

: All right.

MS. : I do know that.

: But you didn't see any of this go on because you were ducking?

MS. I was ducking as the police officer came towards my car, I got down, yes, ma'am.

: Okay. And you heard that initial shot from the SUV, correct?

MS. : Yes, ma'am.

: And then you heard, as you describe, those three shots at the end?

MS. : Yes, ma'am.

: Okay. And you describe that the guy with the dreads came over to the passenger side of your car trying to get in?

MS. : Yes, ma'am.

: And now where in what you just described in the ducking and the blacking out and the looking back up, at what point did the guy with the dreads come over to the car?

MS. : Actually, when I did go out for a little bit, like I said, I just blanked out a

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little bit, but when I was down, I did open up my eyes. I was still down, and that's when I saw the young man with the dreads, where had the door open, he had it slung open. He was on the curb, but he had -- he crawled. You could tell that he crawled. He was in the car and he just basically asked me could I get him away from here because it is crazy.

: Is that what he said?

MS. Yes, ma'am.

: Get me away from here, it's crazy?

MS. : Yes, ma'am.

: Do you have a two-door car?

MS. : Yes, ma'am.

: So when passenger door is kind of opened?

MS. : It's opened wide.

: Okay.

MS. Uh-huh.

: So the guy with the dreads kind of crawled over?

MS. : Yes, ma'am.

What was your response to him?

MS. : Actually, I told him to get

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down. That's all I had, I mean, that was the only thing that came to my mind, just get down.

: Okay. And then --

: Obviously, you didn't let the guy with the dreads in your car?

MS. : No, sir, I did not.

: Why was it that you wouldn't let him in your car?

MS. : Actually, I didn't know what was going on for one and I was actually, didn't have a clue if he had or who had it, I just didn't know. It wasn't something that I was willing to do.

: If he had what?

MS. : Actually, I didn't know if he had a gun, I didn't know what was going on.

: You didn't know what was going on?

MS. : Actually, I didn't know what was going.

: And so for that reason you didn't allow the guys with the dreads in the car with you?

MS. : Yes, sir.

MS. Do you know if he stayed there or he went elsewhere?

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MS. : Actually, just for a few minutes, just for a few minutes, like I said, after I told him no, he disappeared.

Now, I don't know where he went, I wasn't focusing on him. I was trying to see what was going on.

: So I was trying to ask you this, when he said to you get me out of here, it is crazy, and you said, get down. Did he say anything else?

MS. : No, ma'am, he did not.

: Did you guys say you can't get in the car?

MS. : No, ma'am, I did not, get down, that was it.

: Okay. Did you know that he wanted to get in the car?

MS. : Actually, just by what he said, the statement that he made to me.

: I guess what I'm trying to figure out is, how did you let him know that you weren't letting him in the car?

MS. Actually, for one, I wasn't moving it at the time.

: Okay.

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MS. : So he wasn't going to go anywhere anyway.

: Did say anything to him?

MS. : No, just get down. We both just hollered the same thing, get down.

: Okay. All right. At some point you looked up and you were looking in your rear view mirror?

MS. : Yes, ma'am.

: So everything that you observed after that was with regard to Michael Brown and the police officer was through your rear view mirror?

MS. : Yes, ma'am.

: And your review mirror is for reverse, correct?

MS. : Is it reverse?

: I don't want to misstate it. (inaudible)

MS. : Oh, yeah, oh, yeah.

: (Inaudible) So when you are looking in your review mirror, you said you saw the male turn around and basically stop, this is Michael Brown, correct.

MS. Yes, ma'am.

: That's when you heard two or

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three more gunshots, and Michael Brown went down to the ground.

MS. : Yes, ma'am.

: And then after that you, you drive away?

MS. : Yes, ma'am.

: You describe yourself at that point, were you still terrified?

MS. : My leg was shaking.

: Okay. And so how did you manage to driveway then?

MS. With , just calm me down, my legs were moving.

Okay.

MS. : And I just cried because, like I said, I've never seen nothing like that in my life.

: Okay. And so you describe and you drove away, um, and there was another truck, do you mean a police SUV.

MS. : Yes, ma'am. In the process of me, after the incident had happened, probably about two or three cars pulled up and they came towards my car. So I had to basically yell, like somebody is in here, you know, because he was real,

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real close.

: So just so I can understand. So you started to drive away and as you were driving --

MS. : No, actually at this time, I didn't even get a chance to even move at this time. They were coming towards the way, towards me.

: You were stopped in the middle of street because you had to stop?

MS. : Yes, ma'am, right at the curb, yes, ma'am.

: Okay.

MS. : Right by the complex.

: And then you drove away?

MS. : Yes, ma'am, I did.

: All right. How did it come to you that you then met with the St. Louis County Police Detective?

MS. : Actually, I stay in that area at the time and my mom basically, basically got the news. So she came to see was her daughter okay. So in the process of seeing was her daughter okay, I was up in the house, the house is right before you get to Canfield Green.

Okay.

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MS. : And one of the young men, like I said, I don't know nobody over there or whatnot, but he the one that brought the police to me. The FBI, like I said, I don't know but they were the ones in the car, I guess. Somebody was out there and probably remember my car or something because he came directly to me.

: The police did?

MS. The FBI,

: Okay. He's St. Louis County.

MS. Okay, okay, the detective.

: So he came to you?

MS. : Yes, ma'am. I was on the front of the neighbors. I don't even know the people, but they stayed in the house right there.

: Okay. You said something about brought him to you?

MS. : Actually, a young man, I mean, like I said, I don't know anybody that stays in Canfield Green. I didn't know him exactly.

: What do you mean exactly?

MS. : I've probably seen him like around in the complex, but I don't know him. As talking to him on like a daily basis.

: Okay. Is it fair to say that

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what you know that happened that day is limited to that initial, you describe the confrontation or tussle at the car, correct?

MS. : Yes, ma'am.

And then you saw through your rear view mirror at the end when Michael Brown was facing the police officer, you heard the shots and he went down to the ground?

MS. Yes, ma'am.

: Okay.

: Just to be clear, you heard that first shot when the tussle was going on at the side of the police SUV?

MS. : Yes, sir.

: And you saw those final two or three shots?

MS. : Yes, sir.

There wasn't any other shots in between?

MS. : Not to my knowledge. I'm just going to be honest, that's probably when I was blacked out.

: Okay.

MS. : Once, I raised up --

: And you mentioned, I know

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that that you were ducked down, and you basically was trying to get down as low as you could, is that fair.

MS. : Yes, sir.

: But you mention that you were able to see the police officer run by your car?

MS. : Yes, sir.

: And could you tell at that time where his gun was or could you see any of that?

MS. : Actually, when he ran by it was drawn.

: Okay. Did he have it at his side?

MS. : No, he had it drawn up toward, I'm going to say aimed.

: Okay. But at that time you didn't hear any other shots?

MS. : Not to my knowledge.

: You want to take a break?

: We can we take a break.

MS. : Yeah, I have a couple of questions.

: If we with can, we will take a break for just a second.

MS. : Sure. I am going to leave

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this on because it makes it easier, okay?
MS. : Okay.
: You mentioned early on you turned the radio down to see if you could hear anything?
MS. : Yes.
: Anything, you hear anything from Michael Brown or the officer or the guy with the dreads, other than what you've described?
MS. : No, ma'am.
: Okay. And right after that first shot when you said Michael Brown stepped back and what did he do right after that?
MS. : He took off running.
: Okay. Did he go back to his car, did you see him briefly going toward the car or did he immediately run away?
MS. : He immediately took off running down the street.
: Was there anything else, ?
MS. : Sorry.
: The guy with the dreads?
MS. : You say you saw Michael Brown, you saw the guy with the dreads just when

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took a step back, you saw him look?

MS. : Yes, ma'am.

MS. : When he came back, what, did he just stay there, did he move?

MS. : No, actually, when he went forward, then he came back, he actually took off.

MS. : Okay.

MS. He starts to take off to get away.

MS. : But your focus is still on that car?

MS. : Yes, ma'am.

MS. : Now, when he took off to get away, was it before or after the gunshot?

MS. : It was after, it was right after.

MS. : Okay.

MS. : It was right after the first shot.

MS. : You see the guy with the dreads?

MS. : Okay.

MS. : Go in like, and then come back?

MS. : Uh-huh.

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MS. : Gunshot, or does he come back? At what point was the gunshot?

MS. : Actually, it was the shot and then it was like back, once he came forward, it was like back.

MS. : You saw both of them at the same time?

MS. : No, ma'am. I saw the one with the dreads come back. Now, that's when, when he came back and he kind of like hesitant, that's when I saw Michael Brown.

MS. : Okay.

MS. At the car and then that's when they proceed to take off.

MS. : Together.

MS. Actually, the one with the dreads kind of got away just a little bit extra.

MS. : Okay.

: Okay.

: When is next time you see the guy with the dreads then?

MS. : After I saw him on the side of the car, on the news.

: Okay.

MS. : On the news.

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: We don't have any more questions for you. I just want to ask you, is there anything that you want to add that we think we should know that we haven't asked you or they didn't ask you that day?

MS. : No, ma'am.

: You feel like you have given us all the information that you know?

MS. : Yes, ma'am.

: Anything you think is important that we've missed at all?

MS. : Uh, not to my knowledge. I gave you all I have.

: Okay. Do you think we have treated you fairly?

MS. : Yes, ma'am.

: Did we force you to say anything that you didn't want to say?

MS. : No.

: We didn't make you any promises about anything?

MS. No.

: Okay. So you feel comfortable?

MS. Yes.

: Well, thank you so much for

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your time, we appreciate it.

MS. : We will end the interview.

(That was the end of the interview.)

MS. ALIZADEH: This is Kathi Alizadeh, it is about 11:03. We just took a pause for the recording while we listened to the statement of the Department of Justice and FBI and U.S. attorneys did with and then I just had a brief question about your lunch break and that's why we paused again. So now we are ready to hear from .

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q Sheila Whirley, Kathi Alizadeh, all grand jurors, , and would you introduce yourself to the grand jurors for us, please?

A I am .

Q Okay. , you know why we're here?

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A Yes, ma'am.

Q This is about the Michael Brown shooting. Where do you live?

A Actually, I say in Northwinds Apartments.

Q All right. Is that where you lived on August 9th 2014?

A Yes, ma'am.

Q I don't believe Northwinds is on this map. You see this map, Grand Jury Exhibit Number 25, does it look familiar as far as the Canfield Green Apartments are concerned?

A Yes, ma'am.

Q Okay. Which way would Northwinds Apartments be based on this map, if you could tell us? If you can't, that's fine.

A Um, um.

Q You can't really tell on this map?

A Huh-uh.

Q I'm going to ask you some more things about the map, so I want to show you how this works. This is a pen light, I guess, and you push that button and you can direct it wherever you it to go, okay. Can you push the button? Yeah, all right.

So you live in Northwinds which is, is that east of the Canfield Green Apartments?

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A Um, yes, it is towards the back by Glen Owen.

Q This would be east and this would be west.

A I'm closer to Glen Owen.

Q Glen Owen. I don't think that's on the map either. So tell us what you were doing on August the 9th, what did you do that morning when you first woke up?

A Actually, got up for the day.

Q What did you have planned?

A Actually, just going to ride around and just enjoy the day on a Saturday.

Q Okay. You and who, who were you with?

A I was with .

Q Just ?

A Yes, ma'am.

Q ?

A Yes, ma'am.

Q And nobody else was in the car?

A No, ma'am.

Q And you were driving that day?

A Yes.

Q What type of automobile were you in?

A Um, I had a '99 Monte Carlo.

Q What color?

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A It is white.
Q It is white, okay. Is it a two-door?
A It is a two-door.
Q I think most Monte Carlos are two doors. I guess it was a two-door white Monte Carlo?
A Yes.
Q When did you first see the police officer in this case?
A Actually, I saw the police officer as I was coming across the bridge coming towards the end of Northwinds going towards Canfield Drive.
Q You don't know what street that would have been?
A Actually, that would have been Glen Owen.
Q That's Glen Owen?
A Yes, ma'am.
Q Which, I don't think we see on this map. So you saw him, he was driving coming from the Northwinds area also?
A Um, yes, ma'am, just like right, just actually right past the little bridge thing.
Q Okay. Was he driving, I don't want to talk at the same time you talk, so forgive me if I did.
Was he driving fast when you saw him?

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A No, ma'am.
Q Just normal?
A Yes, ma'am.
Q He didn't have red lights and sirens?
A No, ma'am.
Q As if he was answering a police call or anything like that?
A No, ma'am.
Q Okay. So did he appear to be alone?
A Yes, ma'am.
Q And what made you notice the police car?
A Um, actually, when I was coming, like I said, across the bridge, I saw him coming out of the street. One of the side streets, I really don't know what the side street right there, but he was coming, proceeding to turn to come the same direction that I was going.
Q What direction were you going?
A Actually, I was going toward, this time I am going towards Canfield, like going towards West Florissant.
Q Okay. So this is Canfield Drive, does that look familiar?
A Yes, ma'am.
Q Which way were you traveling?

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A Um, actually --
Q Show us with the light.
A I was coming approximately, like I said, I believe, I can't tell which way is West Florissant.
Q This is West Florissant?
A That's West Florissant. Actually, I was coming from this direction, going wards West Florissant.
Q Can you tell us, is it on this map at the time that you noticed the officer pulling out? If it's not, just tell us.
A Actually, I really cannot tell.
Q Was the officer in front of you though?
A Yes, ma'am, he was.
Q So at some point the officer's car stopped, correct?
A Yes, ma'am.
Q Were you behind the officer when the officer's car stop?
A Yes, ma'am, I sure was.
Q Where about was that on the map?
A Probably like right in between the apartment complex. Just like right actually he fell out is actually where I stopped, probably right up in here closer to the apartment complex.

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Q Okay. But you're not absolutely certain looking at this map?

A No, ma'am.

Q So when you first saw the officer stop, what did you observe?

A Actually, I just observed there are two gentlemen walking down the street.

Q Which way were they walking?

A They was walking my direction, going back towards Northwinds.

Q So if this is West Florissant, which way were they walking?

A They was walking this way.

Q That way?

A Yes, ma'am.

Q East. And they were in the middle of the street?

A Yes, ma'am.

Q Can you describe the two gentleman you saw walking in the middle of the street?

A Can I get up?

Q Sure.

A Actually, right behind the police officer, they was just walking.

Q Okay.

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A Directly down the middle lane.
Q Just kind of casually walking?
A Yes, ma'am, not running.
Q Tell us what they looked like?
A Actually, one guy was a pretty big gentleman, tall in size, the other one was kind of probably my height, probably a little bit shorter, I don't know, with dreads and basically that was it.
Q Okay. And the guy that was taller, was he a lot taller than you?
A Oh, yes, ma'am.
Q Was he bigger?
A Yes, ma'am, bigger and a lot taller.
Q Do you recall what he was wearing?
A Actually, I can remember khaki shorts, um, I know he had on a baseball cap.
Q What color?
A Uh, the baseball cap was dark in color.
Q Did he have it on when he started walking?
A Yes, ma'am it was like a dark, dark hat, like a baseball cap.
Q Okay. And you know that person to be Mike Brown as we stand here today talking about it?
A Yes, ma'am.
Q Okay. And so we'll refer to him as Mike

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Brown?

A All right.

Q So Mike Brown and the other guy Dorian Johnson, walking down the middle of street and what happens?

A Actually, as they was walking down the middle of the street, that's when the officer stopped in front of me and stopped behind him. In the process of them walking down the middle of the street, that's when I saw the officer actually stop the vehicle. It wasn't a jerk stop, it was a slow stop at the time.

Q Was he driving --

MS. ALIZADEH: , can I get you just in case, you are soft spoken because the microphone is recording is at the desk, so unless Sheila needs you to stand up and demonstrate something, would you be good enough to sit?

A Yes, ma'am.

MS. ALIZADEH: That way we are getting your voice picked up because you are kind of soft, sorry.

MS. WHIRLEY: No problem.

Q (By Ms. Whirley) When you saw him walking, the two walking and the officer stopped, what kind

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of car was the officer in?
A Like a SUV.
Q What color?
A It was white.
Q A white SUV with police?
A Ferguson.
Q It was like a marked police car?
A Yes, ma'am.
Q When you saw that car stopped, was the car stopped just driving in the natural, you know, down the lane stopping or did it stop some other way?
A Oh, no, it was straight down the lane.
Q Straight down the lane. And what happened at that time when you saw the car stop, I mean, did he appear to be talking to anybody?
A Um, yes, ma'am, but I didn't hear anything.
Q Okay.
A I didn't hear anything.
Q Okay. And then what happened next?
A After he, after the actual stop, um, quick seconds, it wasn't really a long period of time and that's when, um, I saw the truck or the SUV slightly go like in reverse. I saw the reverse lights on and it came to like the, the two guys are right here and

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they like, like jump back. He put it in reverse, but it went back.

Q Okay.

A And that's when it went to an actual stop just like that, and the truck shook just a little bit, but you could tell that somebody pressed down on the brake really hard.

Q So at first when the car stopped, it was just driving the normal lane, you were behind the car and there looked to be some conversation between the officer and the two people walking down the middle --

A Yes, ma'am.

Q -- of the street. Then the car drives away and goes in reverse?

A No, it never drove away. I guess as the two suspects start to actually keep proceeding walking.

Q Okay.

A That's when it looks like he's trying to stop them from walking away from the truck.

Q I see. And they're walking away, so he has to go in reverse to get up to them?

A Yes, ma'am.

Q Did he hit them, hit either one of them?

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A Actually, I couldn't tell if he hit them or not. I just know that the truck actually stopped at, like a hard stop at that time.

Q Was the car straight as if it was going toward West Florissant or some other way?

A Actually, when it went back to stop them again, it was like in a catty-corner.

Q Like an angle?

A Yes, ma'am, like an angle.

Q And then what happened?

A And then after that, that's when I notice that the truck got to rocking back and forth.

Q Was anybody at the truck from the outside?

A Oh, yes, ma'am.

Q Who was at the truck?

A Um, it was Michael Brown at the time.

Q You know his name as Michael Brown?

A Yes, ma'am.

Q What did you see, actually observe?

A Actually, I didn't see anything for, just feet, a set of feet just moving up under the truck.

Q Your car is still behind?

A Yes, ma'am, still stuck behind.

Q Okay. And when the officer drove back at the diagonal and hit the brake real hard, was he

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close to hitting you, your car?

A Actually, he was close enough, but he was like right there to where I couldn't even move. So I thought, you know, as it was coming, you know, I was kind of shocked if he would have hit my car, but he didn't.

Q Were you concerned that he was going to hit it the way he came back?

A Yes, ma'am, I had to swerve over.

Q You swerved over?

A No, ma'am, I was there.

Q You stopped?

A Yes, ma'am.

Q So you see feet and what else?

A Actually, I just see the feet like tapping, like tapping type of.

Q Did the car move?

A Actually, it was rocking back and forth, like side to side. I'm not going to say back and forth, I'm going to say side to side.

Q Were you are windows down?

A Yes, ma'am.

Q Could you hear anything?

A No, ma'am, at that time, no, ma'am.

Q You didn't hear the officer or the person

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outside the window say anything?
A No, ma'am.
Q And Mike Brown was right at the officer's driver down window?
A Yes, ma'am.
Q Did that windowed seem to be down?
A Oh yes, it was down.
Q Could see his hands or see just his feet?
A I just saw feet.
Q You couldn't see the top of his head or anything?
A No, ma'am.
Q And then what?
A And then after that, that's when I, short period of time, of like some seconds went past, I heard the first gunshot.
Q Okay. Did you just hear one shot?
A At that time, yes, ma'am.
Q And where was Michael Brown and the officer when you heard the shot?
A He was still at the window.
Q The officer was inside the car?
A Yes, ma'am.
Q And Mike Brown was at the window when you heard the shot?

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A Yes, ma'am.

Q What happened then?

A After that, that's when I saw a young man with the dreads, I really can't get his name, but that's when I saw him like hesitant, like going, coming back and that's when I actually saw him step behind the truck at this time.

Q The guy, his name is Dorian Johnson?

A Dorian Johnson.

Q When the shot went off, you saw him go behind?

A No, he was like hesitant, you try to go help somebody, but you jump back like he was surprised or something.

Q Okay. All right. Where did you go, where did you see him go?

A Actually, after that I saw him like take off. That's when he took off. He kind of like ducked down, he was out of sight, I didn't see him any more until he proceeded on the side.

Q On the side of what?

A My car.

Q What side of your car?

A The passenger side.

Q Of the front passenger side?

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A Yes, ma'am.

Q Who was at the front passenger side of your car?

A Actually .

Q Because he was riding in the passenger seat in the front?

A Yes, ma'am.

Q Okay. All right. So let's go back to Michael Brown, you hear the shot, what did Michael Brown do?

A Actually, when I heard the first shot, I didn't even see Michael Brown at the time because I was so focused on the other gentleman, but once after that, after Dorian had came over to the side of the car, that's when I saw Michael Brown kind of back up off of the SUV. I could see him at this time. He had got back enough so where I could see his body.

Q Did it look like he was injured?

A It happened so fast, no, ma'am, I couldn't even tell if he was shot at that time.

Q You didn't see blood or anything?

A No, ma'am, I did not.

Q So when you heard the shot at the car, you said Michael Brown backs off the car. Does it

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appear to you that the shot is coming from inside the police car?

A Yes, ma'am.

Q Okay. And when he backs off the car, what happens then?

A Um, when he backs up off the car, that's when Michael Brown actually just took off running.

Q Which way did he run? Show us with the penlight or whatever?

A This is West Florissant.

Q This is West Florissant?

A He started to come this way. (indicating)

Q He's running east?

A Yes, ma'am.

Q And what did you do?

A Um, actually, when he started running, that's when, when he started running, I ducked. When I ducked down, um, actually, I got all the way towards the ground like in the car.

Q Okay. That was my question.

A When I was inside the car, I actually ducked down, me and ducked. And in the process of us ducking, that's when I heard like a second gunshot. And after this, that's when Michael Brown had already ran past the car.

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Q Let me ask you a question. When you heard that second gunshot, could you see what was going on?

A Actually, when I heard the second gunshot, to be honest, no, ma'am, my head was down.

Q That's what we want is honesty, that's all we went.

A I understand.

Q You are ducking down inside the car?

A Just like this. (indicating)

Q When you hear the second gunshot?

A Yes, ma'am.

Q You don't know what's really happening at that point?

A No, ma'am.

Q Did you see the officer exit his car?

A Actually, once I proceeded to get up and look, that's when I saw the officer running directly down the street after him.

Q Was that after you heard the second gunshot?

A Yes, ma'am. Straight down the street.

Q All right. So you saw the officer get out of his car?

A Actually, I couldn't see him get out of

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his car, I couldn't see him get out.

Q Okay. When you, after you ducked down, you heard a second gunshot, once you get back up, you see the officer chasing or running after Michael Brown; is that right?

A Yes, ma'am.

Q And then what do you see?

A And that's when I proceeded to look out my rear view mirror, he was running, shots was fired, I saw Mike Brown turn around facing the officer at this time. Hands was up probably about like this, they weren't all the way up, but they was probably just like this. And that's when I looked at the review mirror, heard about two or three more gunshots, Michael Brown fell to the ground. (indicating)

Q When you say your rear view mirror, are you talking about the mirror that's in the center of your window?

A Yes, ma'am.

Q You are not talking about the windows on the outside?

A No, the window.

Q So you are looking behind you at this point?

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A Yes, ma'am.

Q You're parked facing west looking through your rear view window or mirror as they're running this way?

A Yes, ma'am.

Q Could you tell how far you were, your car was at that point when you saw Michael Brown turn around, how far you were from them?

A Uh, actually, no, ma'am.

Q Okay. All right. So now we want to get more specific about when you saw him turn around. So you heard the second shot, you don't know what was going on, then Michael Brown turns around, can you hear the officer say anything?

A No, ma'am.

Q Can you hear Michael Brown say anything?

A No, ma'am.

Q Do you know where Dorian is at this point?

A Dorian was actually on the side and at that time, no, ma'am, I didn't even look no more, I didn't look, you know, down.

Q You're watching?

A I'm watching.

Q Okay. And show us exactly, stand up for us again, please, and show us about how the hands

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were, show us when he turned around?

A Actually, he just turned around like this. I heard the other three gunshots and then when I saw him boom, hit the ground. (indicating)

Q So when he turned around, he wasn't staggering or anything?

A Not to my knowledge, no, ma'am.

Q Was he coming toward the officer?

A No, ma'am.

Q He wasn't walking towards the officer?

A No, ma'am.

Q He wasn't charging the officer?

A No, ma'am.

Q All right. And his hands were up?

A Just like, like he's trying to throw them up. They wasn't all the way up like this, they was just turned around like this. (indicating)

Q In your mind, did it appear he was injured or staggering or something?

A Actually, at that time, no, ma'am. The only way I could see is once he just hit, hit the ground.

Q Okay. But at the time that the officer fired those successive shots, he had his hands up, was his palms facing, you know, the officer?

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A Yes.

Q And the officer shot?

A (Shakes head.)

Q And when you saw the officer get out of the car, what was the officer's demeanor, or how was he standing or walking?

A Actually, he was running.

Q Did he have his gun out?

A Drawn, he was running with the gun drawn past the car, just drawn. I heard the three shots and that's when I saw, and he just fell to the ground.

Q Okay, all right. Now, at some point, well, two things. One, at some point I think you told the FBI agent, you remember interviewing with them?

A Yes, ma'am.

Q And the police officer too, I think you interviewed with that day; is that right?

A Just a detective.

Q Detective?

A Yes, ma'am.

Q That you blacked out, at what point did you black out?

A Actually, when I went down for a short

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period of time, when I hit and I went down, that was it. And then I instantly got up and I got to looking.

Q Okay. Describe for us what you mean when you say blacked out because that can mean different things.

A Actually, I just went, basically, just went blank like. I mean, I can't describe it. It was just like, just like a blank like, I could still hear, but everything just went blank. I can't even explain it. I was in just shock. I probably could just say I was more shocked than anything.

Q When you said blacked out, you mean shocked?

A Just -- just -- blanked out a little bit. I really can't explain it, but I just lost focus, if you could just say that, I was just like down a little bit.

Q Were you aware of what was going on during this period that you blacked out as you describe it?

A For a short period of time, no, no, ma'am.

Q Okay. How short a period of time?

A It was real short, it was short enough to where that I could see everything else. It was short, it wasn't like I was down there for a long

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period of time. Probably after the first shot, I mean, after the second shot.

Q Okay. After the second shot you blacked out for a short period of time?

A Yeah, a short period.

Q Less than five seconds?

A It was short, it was just like a, like a shocking type of thing.

Q Seconds we're talking?

A Yes, ma'am, seconds.

Q And then you get back up, you are looking out the rear view and you see Mike Brown turn around with his hands up and the officer fires several shots at him?

A Yes, ma'am.

Q What happened then when Mike Brown fell down?

A Actually, he fell to the ground. I saw that and basically that's was it, that was it.

Q What did you do?

A Actually, I took off.

Q So when you saw him fall to the ground, which way did he fall, how did he fall rather?

A Just face first.

Q Face first.

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A Just down, flat down to the ground.
Q So when you saw that, you drove off?
A Not instantly drove off, but yes, I was driving off. That was when the other officers was coming towards my way.
Q Were you able to drive with the other officers coming your way?
A Yes, ma'am, just up the curb a little bit, I did go up on the sidewalk, up on the curb just a little bit, up on the grass.
Q Can you show us on this map?
A It was probably like just up on the curb. I know I was close to an apartment building, but just up on a curb like the grass.
Q Like around the police car?
A Yeah, like around, yes, ma'am because I was blocked in there. So I had to just slide my car just up a little bit and then just take off down the street.
Q Okay. So you didn't see the officer shooting at Brown as he was running away?
A Um, I know the gun was drawn. That was when the second shot was fired.
Q Is that no?
A Yes, ma'am.

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Q Okay. Tell us what Dorian was doing at your car and when, at some point he tried to get a ride from you; is that right?

A Yes, ma'am.

Q Tell us about that?

A At the time the confrontation is going on.

Q What part of the confrontation?

A When they first started at the SUV. When the first gunshot, that is when Dorian ran. I guess he ducked down, I didn't even know where he come from. I just know when had the door open, because he had my passenger door wide open so he can get down and that's when I seen Dorian like right there like on the sidewalk. Like he crawled on the side and that's when he was telling me, get me away from here, it's crazy.

Q That's what he said?

A Yes, ma'am, to me.

Q Had Michael Brown been shot dead at that time?

A No, ma'am, he wasn't shot dead.

Q Did you give Dorian a ride?

A No, ma'am, I sure didn't.

Q Why not?

A Actually, I didn't know what was going on.

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I just told him to get down, that was my concern.

Q Okay. Did you ever see Michael Brown with a weapon?

A No, ma'am.

Q Did he ever appear to be going for a weapon like, you know, grabbing at his body like he was getting ready to get a gun or something?

A No.

Q Did you ever see Dorian with a weapon?

A No.

Q Did it appear to you that the officer was threatening, that his life was threatened by Michael Brown at any time that you could see?

A No, ma'am.

Q But you don't know exactly what was going on at the car?

A At the SUV at that time.

Q You don't know what exactly because you could just see feet?

A Yes, ma'am.

Q When Michael Brown was running away going east on Canfield Drive, did the officer seem to be threatened by Michael Brown?

A Um, no, ma'am, not to what I can see.

Q When Michael Brown turned around with his

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hands up, did the officer seem threatened by him to you?

A No, ma'am.

Q And you said you did not see Michael Brown charge at the officer?

A No, ma'am, I did not.

Q Or attempt to pull a weapon from somewhere?

A No.

Q He appeared unarmed to you?

A Yes.

Q Have you ever blacked out before?

A Um, actually no, I mean, no. Because I have never been around nothing like that before in my life, so, no, I can't say.

Q When you blacked out, you mean in shock you said?

A Just basically like in shock. Just don't know what's going on, like I said, I can't explain it.

Q Do you think, I don't want to talk at the same time, I'm sorry,

Do you think you lost consciousness, you know what I mean?

A Like I said, I don't know. I mean, I

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can't explain.

Q And, again, how long do you think it was that you were blacked out?

A Like seconds.

Q How many seconds?

A Um, probably about two, one or two seconds.

Q Okay.

MS. WHIRLEY: I don't have anything else.

MS. ALIZADEH: I just have a couple of questions.

Q (By Ms. Alizadeh) Miss hi, this is Kathi Alizadeh. On the day that this happened, I'm going to move over here so you don't have to keep looking around. On the day that this happened, which was a Saturday on August 9th, it was around the noon hour when this happened, do you recall that?

A Yes.

Q Like middle of the day?

A Yes.

Q And you left, you got out of there before the police could question you; is that right?

A Yes.

Q And where did you go immediately after

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that?

A Actually, that's when I dropped off. I took home.

Q So you took him home first?

A Yes, ma'am.

Q And then you mentioned, and I can't remember if it was today or if it was in your interview with the FBI, but that you were somewhere around the area because your parents, or your mom was, kind of had come to see if you were okay?

A Yes, ma'am.

Q Where were you when the police talked to you that day?

A Actually, I was right where the, well, I was on Glen Owen. I was like right at this house. It was right there where Canfield begins coming off of West Florissant, I was just at that house right there.

Q Okay. So you know Canfield Drive goes through like a residential area?

A Yes, ma'am.

Q Before it hits West Florissant?

A Yes, ma'am.

Q You were somewhere at a house up near West Florissant at the intersection of Canfield Drive?

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A Yes.
Q And so were you in your car?
A No, ma'am.
Q You were on a friend's porch, I think you said?
A I don't even know the people, but they did allow me to stay there.
Q And so do you remember when the officer talked to you, it was around after 6:00 in the evening?
A Yes, ma'am.
Q Okay. So a few hours had passed; is that right?
A Yes.
Q I know you were probably very scare and frightened when this happened, correct?
A Yes.
Q Between the time you saw it and the time that the county officer talked to you, did you talk to anybody else about what you had seen?
A Um, actually, I discussed it with the people that were standing outside.
Q How about , did you and , before you talked to the County Police, did you and talk to each other about what he had seen and what

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you had seen?

A Oh, no, ma'am, we was just shocked at the time and we did discuss that, what we seen that day, we did talk about that.

Q Okay. Before you talked to the officers?

A Yes, ma'am.

Q Okay. And so he had told you about what he had seen?

A Actually, like I say, we just discussed the situation that we were just in together.

Q Okay. In general terms then?

A Yes, ma'am.

Q Not like the details we've been going over?

A No, ma'am, just talking in general.

Q Now, you know today, don't you, that there are, there is an issue about whether Michael Brown had his hands up, such as in a surrendering pose, versus whether his hands were in some other position, you know that today, right?

A Yes.

Q You watch the news?

A (Nods head.)

Q Do you take part in any of the activities, whether it is protesting or anything else or with

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any of the groups that have a position one way or another on this, you know what I mean? The protestors, I don't want to lump them altogether. I know there is a bunch of different factions let's say. Do you take a part in any of that?

A Actually, no, ma'am.

Q Okay. But you know from watching the news that hands up has kind of been a mantra of the people protesting, right?

A Yes.

Q When you gave your statement to Detective , just about six hours after this happened, you didn't say anything to him about Michael Brown having his hands up. Do you recall that?

A Um, no, ma'am.

Q Okay.

A I'm not sure.

Q Do you remember you were at the FBI and before they talked to you, did they let you listen to your statement?

A Yes.

Q Okay. And did you see a transcript of your statement at all?

A Yes.

Q Okay. And when you listened to your

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statement and followed along on the transcript, did you think the transcript was accurately recording your statement?

A Yes.

Q So I'm going to show you, this is a copy of the transcript of when you talked to Detective . Up here it says August 9th, about 6:40 p.m. and it starts out him saying this is Detective . It says he's at 9300 West Florissant. Does this look like the transcript that you saw when you listened to your statement?

A Yes, ma'am.

Q Okay. Now, I'm going to direct your attention to page seven, and you can look through this all you want. I'm just getting to a point where you start talking about, oh about halfway, a little more than halfway down. You are talking about having seen him get shot at the car and then you said after he did that, I looked up and now by this time, I'm looking up because I'm terrified. Now, I'm looking up in my rear view mirror, that's when I see the young man. Well, he already ran past and then a police officer ran past. So when I looked up, I saw the young man turn, he was facing the police officer, he was towards the

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police officer.

Did I read that accurately?

A Uh-huh.

Q And then the detective says, Okay. So you saw the young man's face?

And you say, yes, sir.

And he said, but you saw the police officer's back.

And you say, in my rear view mirror?

And he says, the officer says okay.

And then you saw, and I saw I heard just three more gunshots, I don't know if it was two or three, I know it dot dot dot, and I think you are making the sound of gunshot, right? Dot dot dot. And then I saw when the young man just hit the ground. When he hit the ground, I just got terror, I mean, I was just stunned. And I never seen nothing like that in my life. So I just end up proceeding to get away.

In the process of me getting away, another truck came to me and almost hit me head-on.

Did I go over that accurately?

A Uh-huh.

Q Okay. So, and I know this was very, very, when I say exciting, I don't mean happy exciting, it

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was an exciting thing that you saw. And your emotions were high, wouldn't you say?

A (Nods head.)

Q So you didn't mention to Detective when he talked to you that Michael Brown had his hands up?

A Okay.

Q And he asked you at the end of your statement is there anything else that you can think of that, you know, that you saw that's important. And you said, no, you didn't think of anything else?

A Uh-huh.

Q Wouldn't it have been important to tell Detective Brown that he had his hands up?

A Um, yes.

Q Okay. Let me ask you this. Do you think, I think everybody agrees that our memories change over time. Something that I saw, if I go to see a movie, I remember the movie better right after I see it than a year later. I might not remember who starred in it or all the details about it, and I know we're not talking about a year later, but do you understand what I'm talking about, memories changing?

A Yes, ma'am.

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Q Do you think that you didn't tell Detective about Michael Brown's hand because you didn't see them that day and now in your head you remember it that way because you have heard people talking about that or did you just not tell him that because it was just too much for you and you were overly excited or what have you?

A Actually, I'm not going so say that I was overexcited. In my mind, my mind was gone, like I said, I have never seen nothing like that in my life. So, therefore, that was probably something that I didn't mention at the time. But I saw what I saw in the rear view mirror and that's basically all that I can say.

Q Okay. And, you know, you and I talked about before you testified, and didn't I tell you all we are trying to do is piece together what everybody saw so we can, so the grand jurors can eventually try to figure out what really happened as best as we can without actually having been there ourselves.

And so you understand, you believe me when I say I just want you to tell me what you remember and tell the truth. I'm not trying to get you to change what you have to say, or change your

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recollection in anyway, but you would agree with me that you didn't mention to Detective about Michael Brown's hands being up?

A Yes.

Q But today as you sit here today, in your mind you remember Michael Brown's hands being up?

A Yes.

Q Okay. Do you recall, I'm sorry, I stepped out of the room for a time when your statement to the FBI was playing, when you made your statement to the FBI, did you tell them everything that you could remember?

A Um, to my knowledge.

Q Okay.

A To the best of my knowledge I did.

Q Okay.

MS. ALIZADEH: I don't have anything else. I guess we're at the point you were behind the police officer and you said he puts his car in reverse. At that point did he ever put his siren on?

A No, sir.

Or lights?

A Nothing.

After Michael Brown is in

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the street, the other police cars you saw are coming, did they have sirens on?

A Yes, they did.

Okay.

When the officer put his car in reverse to kind of, I think you said kind of cut off the two men, did he spin his tires, did you hear the tires squealing at that point?

A It just went to like a halt, just like a stop, just a sudden stop.

It wasn't real aggressive backwards then where the tires were spinning?

A Actually, when he went back to reverse, it was pretty quick. It was a fast reverse, like you hit your accelerator and hit the brakes, just quickly.

Okay. And in your rear view mirror, were there other vehicles lined up behind you at that point after the officer ran past you and you saw the shooting, were there other cars immediately behind you that might be partially blocking your view or anything?

A To my knowledge, no, no, sir.

Okay. Thank you.

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When Dorian came up on the passenger side of your car and he said something, get me out of here or something along those lines, do you remember exactly what he said?

A Actually it was, uh, can you get me up out of here, it is pretty crazy around here.

You think the scene being crazy or a certain person being crazy?

A Actually, the scene.

Okay.

On page seven it also says that the police officer, when I the saw young man turn, he was facing the police officer, he was towards the police officer. And Detective asked you, so you saw the young man's face. You said, yes, sir. What did you -- what did you see his expression, did he look scared or angry? I know you said he didn't walk toward him, but what kind of facial expression did you see?

A Actually, it was just a shock like.

He didn't look aggressive?

A It was just like, just shock like.

Thank you.

How

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far, how many feet from where you were to Michael Brown, how many feet were they or how far, maybe two cars, three cars?

A I probably will say it was probably about three, three to four cars distance.

Three or four cars?

A Yes.

From three to four cars, maybe double the size of this room, maybe double this room.

A Right, to where, probably about, like I say, probably about three.

You can see his face completely in the rear view mirror?

A In the rear view mirror, yes, ma'am. It was far that I could see his face.

Um, a couple of questions. The first question is when Dorian stooped down at your car and asked to get in, did you see anything in his hands?

A At that time, no, ma'am.

: Second question is, when the officer came back at a fast speed and he stopped instantly, um, how long can you say the seconds was when you thought there was a confrontation going on.

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Did it start immediately or?

A It was immediately.

Q Immediately?

A Immediately after that, after the car did that, made the complete stop.

: Okay. That's it.

. From your perspective, would you say the officer used, I'll let you use the description, what amount of force would you say the officer used in this situation?

A Um, excessive force.

: Okay.

. When you sat down with Detective , is it safe to say he never asked you where Michael Brown's hands were?

A Correct, that's correct. He never really asked me that question.

. In answer, dovetailing off question, if I heard you correctly, you said that the officer did use excessive force; is that correct?

A Yes, ma'am.

: Can you tell me why you feel that way.

A Actually, I think he used excessive force

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because it was after he chased him down, that's where my actions come in, when he chased after him, that's what I mean by excessive force because he was running away from him.

Okay. So after he ran away from him and then the second shots, or the second series of shots, okay. And are you saying after that there shouldn't have been any more shots?

A Actually, I'm saying once he ran away and got a nice little distance, there shouldn't have been any more shots.

: Okay.

. Just to clarify one question, when gave his statement to the County, they asked him about after Wilson had moved past the car and brought up that there were two or three, up to four cars behind you. They started lining up after that, but you are saying there were no cars behind you?

A I didn't see any cars.

. I have a question about after what she said. You are looking at all of this through the rear view mirror, right?

A Yes, ma'am.

: So you said excessive

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force and you said that after he ran away there should have been no more shots. What do you think should have happened, do you think he should have let Michael Brown just run away? You didn't hear anything being said like stop or you didn't hear what was going on.

A Halt, none of that.

: You didn't see the tussle, so you don't know what happened. Do you feel like the police officer should have just let Michael Brown run away and get away and not try to stop him even if he did break the law?

A In somewhat, and the reason why I say that is because if he would have let him get away, if he was shot at any time, he would have been found. Had the police have swarmed in, they would have got him even if he would have run, even if he would have got away, they would have captured him.

: So you feel like he would have gotten away and then they would have captured him and he would have been arrested, not killed?

A Yes, ma'am, that's my purpose, yes, ma'am.

: Okay.

MS. ALIZADEH: Any other questions?

MS. WHIRLEY: I just want to the make sure

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I'm clear, and I'm clear with what you said about the hands up, but that's the absolute truth here today is what you're saying, you just didn't make this up today?

A No, ma'am, no, ma'am, not at all.

MS. WHIRLEY: Okay, all right. I don't have anything else.

MS. ALIZADEH: Any other questions? All right. This witness is concluded.

(This is the end of testimony.)

MS. WHIRLEY: All right. Again, it is October 13th of 2014, it is approximately 1:15 p.m. We're starting our afternoon session with testimony regarding the shooting of Michael Brown. I'm Sheila Whirley, Kathi Alizadeh will be in shortly, grand jurors are here and is here.

I'm passing around the transcript of the next witness' statement. His name is and his name is spelled correctly on the transcript. His recorded statement is marked as Grand Jury Exhibit Number 17.

(Grand Jury Exhibit Number 17 marked for identification.)

MS. WHIRLEY: Once they are passed around,

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we'll stop the recording and , you can pause that recording since we have a transcript.

(Playing of the interview of)

MS. WHIRLEY: We're going to play this witness' second statement, , is also from Grand Jury Exhibit Number 17.

. Do we know the correct date and time this first one we just listened to took place?

MS. ALIZADEH: No, I will have to get that information for you.

: Okay.

(Playing the interview of .)

MS. WHIRLEY: Now we're going to play, it may take just a minute, I'm not sure how cooperative the equipment is going to be, but we're going to play his media interview. I'm not sure if these are video or audio, so I need to figure that out first. This is on Grand Jury Exhibit Number 3.

(Audio clips are being played at this time.)

MS. WHIRLEY: So the three video clips that we call were from Grand Jury Exhibit Number 39, and they were from KTVI, two of them, the first two

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clips and the third clip was a clip with Anderson Cooper. I'm not exactly certain of the dates that it occurred. It looks like 8/12 for the first video, 9/8, which is September the 8th for the second and September the 10th for the third. So that will conclude that from Grand Jury Exhibit Number 39.

MS. ALIZADEH: I just want to point out that there is a fourth clip on there that you can see. If you can see the file up there. That clip is basically some attorneys and some news reporters kind of commenting on the statements that were made and again, it is really not evidence and we don't really, I don't feel it is helpful to have other persons' perspectives what they think these statements mean. So we did not play that last clip for you. It really isn't a statement of a witness.

MS. WHIRLEY: Okay.

MS. ALIZADEH: I think we're ready to call, we're going to call the next witness,

,

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Could you state your name, please, and spell it for the court reporter?

A

Q And , how old are you?

A .

Q And are you married or single?

A Fiancee.

Q And where, I'm not asking for an address, but whereabouts do you live in the metropolitan area?

A South of .

Q So you live in ?

A Yes.

Q Is that the area that you grew up in?

A No, I was raised in North Dakota.

Q So how long have you lived in the St. Louis area?

A Since '91, I believe, '91 or '92.

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Q What do you do for a living?
A Retaining walls and brick patios, landscaping work.
Q And is a lot of times your work outdoor work?
A Just about all of it.
Q Do you work for a company or do you work for yourself?
A For a company. I was commercial forever and I wanted to get out of the commercial, so I went to a smaller company to do back yards and stuff.
Q So were you working for the same company back in August of this year?
A Yeah, the same one I'm with now, yes.
Q Okay. How is it that you get assigned or how is it it's determined that you are going to go to a certain location and do a job?
A They just tell us where to go.
Q Someone in the company assigns out --
A The boss.
Q The boss assigns the work?
A Yeah.
Q Okay. And so you were assigned in early August to do some work at an apartment complex in Ferguson called Canfield Green Apartments?

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A Yes, I was.

Q Now, you were present at that apartment complex on the day that Michael Brown was shot; is that right?

A Yes, I was.

Q So we know now that that date was August 9th. How many days prior to that, if any, were you actually there at the complex working?

A I believe that was my fourth day there.

Q Okay. And so what were you doing at the apartment complex, what was the job you were doing?

A Installing plastic gutters to bring the rain water out of the gutters further away from the building so it would stop flooding the bottom floors.

Q Were you working by yourself or was there someone else on the job with you?

A Most of the week there was like four of us there and then Saturday it was just me and one other guy.

Q All right. So the shooting happened on a Saturday and you were working that day?

A Yes.

Q And is that typical that you would be working on a Saturday?

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A It has been lately.
Q So there is enough work that you need to work on Saturdays to get stuff done?
A Yeah.
Q Would that be fair to say?
A Yes.
Q And so when you were working on that Saturday, who was working with you?
A My laborer whose name is
Q Had you worked with him before that day?
A Just those first few days I was there. I knew him, but I didn't work with him. Those were my first days working with him.
Q So the Ferguson job, I will call it, the Canfield Green Job, that was the first job you had ever worked with ?
A Yes.
Q How long had you known before that?
A I'd known of him for probably a week, two weeks.
Q Okay. Would you say at this time on the 9th, were you and friends or were you just co-workers?
A We were getting to know each other kind of after being out there together, but we barely ran

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into each other at the shop.

Q Do you know whereabouts in the St. Louis metropolitan area lives?

A I believe in I don't have any idea where though. He said it was close by the shop is all I know.

Q So he also lives in or south ?

A I believe so.

Q You've never been to his house?

A No.

Q Has he ever been to your house?

A No.

Q And so on this particular day, um, you were doing work. Had you ever been to the Canfield Green Apartment Complex before this job?

A No.

Q Were you familiar with the Ferguson area?

A The only thing in Ferguson I ever went to work at was the Emerson Electric building. I replaced some pavers over there probably eight or nine years ago.

Q So you said you had been working up at the apartments for a few days, like four days or five days?

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A I believe it was four days, it might have been five. I was real new to working with him. The boss wanted me to go up there to go up there to see what was taking so long.

Q Prior to August 9th, did you know any of the residents in the apartments?

A Not really.

Q Would you see people on the street and just --

A The ones that would talk would be the maintenance crew.

Q Okay.

A We'd see them in the morning and sometimes at night, and sometimes they would be walking by.

Q What about Ferguson police officers, did you know any Ferguson police officers at that time?

A No, ma'am.

Q Do you have any police officers in your family?

A No.

Q So what time did you get to work that day in Ferguson?

A Probably 7:30.

Q A.m.?

A A.m., yes.

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Q That was in August, was it heating up, getting to be a hot day around noontime?

A No, it was Saturday, I just remember it being slow.

Q Okay. I'm going to show you, this is a laser pointer, so if you press on this button here you can use it to point.

A Okay.

Q So this is a map, Grand Jury Number 25, it is an aerial view of the Canfield Green Apartment Complex. Do you recognize the streets and the buildings, does that kind of make sense to you?

A Yes.

Q Can you use that pointer and show the grand jurors on the 9th where were you working? I assume you were working outdoors?

A Yes.

Q Where were you working on the 9th?

A We started over here in the morning just extending out little things. By 11:00 we got over here where this tree is and that was where, that is where all the roots that were giving me trouble is where they end up being.

Q So you were digging, is that what you were doing?

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A I was digging and trying to chop through roots and finally I gave up. My chain saw wouldn't start and my generator wouldn't carry the sawzall and I didn't have nothing to cut it but a hatchet and a shovel.

Q Now, this street that I'm pointing to right here, which is Canfield Drive, which is the main drag through the complex?

A Yes.

Q When you were working that day, did you have a company truck?

A Yes.

Q Would you move your truck as you would move your job around the complex?

A Yes. All the pipes and the tools were in the truck.

Q How about did he have a truck of his own?

A He had a truck, but it was parked up there.

Q Okay. So he had left his truck and as you worked your way around the complex you moved your truck?

A Yes, his was a truck that had a big dumpster on to haul wood out. We were going to load

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it with wood at the end of the day.

Q You said that you were around, this is Building Number 9?

A Uh-huh.

Q If up is north?

A Yes.

Q So were you on the north side of that building?

A Yes.

Q So you were digging in the earth around this area?

A Right there.

Q Okay. And from where was your truck parked as you were digging?

A Right in the parking spot right in front of it.

Q So we can kind of see these parking spots along here. You can kind of see yellow lines?

A Right there.

Q So your truck was right around here?

A Yes.

Q Right on the north side of the building?

A Yes.

Q Okay.

A Backed in.

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Q Now, during that day, do you recall did you take a lunch break that day?

A It wasn't lunch time yet. We didn't.

Q Before this happened you hadn't taken a lunch break?

A No.

Q So earlier that day, did someone stop and talk to you?

A First, some lady stopped and was letting her kid go with her grandparents. She talked for a minute and then took off over here somewhere.

Right after that, I went back to digging, that's when Michael stopped. I didn't know his name at the time. He was just some guy stopping wanting to talk.

Q And you now know that the person that you are talking about being Michael, that's the person who got shot and killed that day?

A Yes.

Q Had you seen him in the complex before he stopped to talk to you?

A No, I did not.

Q So the first time you ever had contact with him was when he stopped and to talked?

A Yes.

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Q Where was when Michael stopped to talk with you?

A was over looking at these other ones and digging up like this one, adding to this one and adding to this one. We were kind of trying to stay in the same little areas and run those four out and move to the next area and run those four out.

Q Okay. So when Michael stopped to talk to you, was he alone or was he with somebody?

A He was alone when he come out.

Q So describe him for me, what did he look like first off?

A He just looked like a big guy. When I first seen him I thought he was 25 to 30 years old or something. And was asking me why I was so angry, I told him I was digging through big roots with a shovel and a hatchet.

Q Were you angry?

A I was pretty angry, those were some big roots.

Q Why do you think he picked up on the fact you were angry?

A A little bit of cussing and swearing going on and changing tools, trying to find a sharper shovel, mad because my chain saw wouldn't start.

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Q So do you think you were loud enough that he heard you cussing?

A I tried not to cuss real loud for people to hear, but after you come outside, you can here it.

Q So where did he come out from you say he came outside?

A On the, he came down the steps on the northwest staircase. I don't know which building or which --

Q Which apartment unit?

A Which apartment he came out of, no.

Q It was this Number apartment he came down?

A Out of the side is the side he came down.

Q Okay. About what time of day was this, do you know?

A I believe it was around 11 or 11:30 or somewhere in there.

Q And I notice that you don't have a watch on today?

A No.

Q Do you normally wear a watch?

A No, I can't wear watches.

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Q How do you tell time?
A Uh, mostly my laborers tell me what time it is. I have a clock on my phone, but I don't really look at my phone too much.
Q So when you say it was around 11:00, is that like your best guess or had you recently looked at the clock?
A No, when all of that went down and then I looked at the clock to see when it is over with. I thought it took this long to get a machine and I don't know, it was like 11:30 or 12:00, I can't remember the exact time.
Q Okay. When you saw Michael Brown, he was coming down the steps?
A No, when I first saw him he was standing next to my truck looking at me.
Q So you just mentioned earlier you saw him emerge from an apartment, or emerge from some place, did you see him --
A That's where he went up.
Q Okay.
A I didn't see him come out of there, but that's where he went up. He said he was going back up to his apartment.
Q Let's start with you first saw him. Where

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was he when you first saw him?

A Standing next to my truck looking at me.

Q So is this in the same area that that you already described, your truck was in front of this Building Number 9?

A Yes.

Q And you said he was a big kid?

A He was bigger than I am, I looked up when I talked to him.

Q He was standing and you stood next to him?

A When I'd get up to try to grab a different tool, I'd stand by him.

Q How take tall are you?

A About 5'11".

Q At the time --

A At the time he looked like he was 25 to 30. I didn't find out until later he was, you know.

Q An African-American?

A Yes.

Q How was he dressed when you saw him?

A Just some easy going shorts, I believe a white shirt and he had these yellow socks with pot leafs on them.

Q Did you notice he had a hat on? Does he have anything in his hand when you first saw him?

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A Not when I first saw him.

Q So you said that he stopped and talked to you. Who said something first, did you first speak or did he first speak.

A I think I said what's up to him. And then he told me that the Lord Jesus Christ would help me with my anger problem, you seem pretty angry down there. I said, boy, you can grab a shovel and come down here and you can get picking at these roots.

Q He didn't pick up a shovel and help you, did he?

A Oh, no.

Q How long did you and he speak to each other at this time?

A I believe he was there for 30 minutes, but that doesn't mean we sat there and talked for 30 minutes.

Q Okay.

A I was still digging at the roots. I would get up and say something and then I'd get back down.

Q Was he standing the whole time --

A Yes.

Q He didn't like sit on the ground or like sit on a step?

A No.

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Q Did you ever see anybody with him during the time?

A Not that time, no.

Q Did you ever see him do anything other than standing there?

A No, just talking.

Q All right. So you mention he had talked about Jesus Christ helping you with anger problem, any other things that you recall about the conversation?

A That would have been it. I thought he wanted to get into a Jesus argument or conversation, but I don't like getting into those because it is just one you can never win.

Q Okay.

A Everybody has their own belief.

Q So during the time you were there, you never saw another person with him?

A Not that first 30 minutes.

Q What happened after that 30 minutes expired?

A came over and I told him I was getting sick and tired of digging through these roots and we need to go find some easier spots so we can get something done that day.

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So we started loading up the garbage I had thrown out, try to pick at it and we're getting ready to move the truck over and I seen him over there, I told him to go get the Bobcat over by the storage yard where the maintenance people hang out.

Q So was Michael still around in the same area.

A No, right when I was getting ready to come back out, that's when he came out with some other kid.

Q So let's back up. So Michael was there talking to you for you think maybe about 30 minutes?

A And then he had to go up into the apartments.

Q So he leaves, where does he go?

A Up that one staircase.

Q In Building Number

A Yes.

Q Did you notice what apartment he went into?

A No, I started talking to and picking up tools and telling him we're going to go somewhere else do what we need to do and get the machine.

Q At the time that you and Mike were saying

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things to each other, was in the vicinity where he would have heard ---

A Towards the end he was.

Q Okay. So he may have heard some of the things that were being said?

A He probably heard some of it. Towards the end he was standing at the back of the truck.

Q That would be when you say he?

A Yes.

Q So then you said Michael ran up the stairs and disappeared into the building, and then you and were kind of collecting tools?

A Yes.

Q How long before you say someone else in the area or anyone else?

A Michael and that other kid come up when I was trying to pick up a few shovels and talk about where we're going to go in a couple minutes.

Q Okay. So can you describe the other kid?

A He's an African-American kid. He was probably my size, but skinny.

Q So shorter than Michael?

A Yes.

Q And skinnier than you.

A Yes.

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Q Would you say that he was a teenager, 20's, 30's?

A He looked like a young kid. I don't think he was 20 yet.

Q Is that the first time you had ever seen that kid?

A Yes.

Q And today do you know who that is?

A I've heard of his name, but I don't know the name off the tip of my tongue.

Q You've seen him on the news since then?

A A couple of different times.

Q If I said the name, you think you might recognize it?

A Yes.

Q Dorian Johnson?

A Yes. I only remember that because I was at the FBI's office this morning.

Q Okay.

A Otherwise, I wouldn't have known.

Q So you didn't know Dorian Johnson before this day?

A No.

Q But have you seen him on the news?

A I've seen him a couple times on the news,

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but my fiancee doesn't allow me to watch the news any more.

Q The person that you saw on the news, you recognize him as the same guy that had come out of the building with Michael?

A I didn't recognize him exactly, you know, they said that's who it was. I didn't really stare at him and they walked right by me when they were coming out. There was some stuff talked about, but it was talked about as they were walking by. We didn't hang out and talk for another 10 minutes.

Q Do you recall what this other smaller guy was wearing?

A No.

Q So did the two of them, Michael and this other guy, come out of the building at the same time?

A Yes.

Q And so did they have to pass you or did they walk past you?

A They came out and were heading to the store they said.

Q Okay. So you said there was something else said or talked about, a brief conversation as they passed you?

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A Correct.

Q What was said?

A Michael had just a little bit of marijuana and he was rolling it up in like a newspaper, not a newspaper, but a regular notebook paper with lines in it. I said, you're going to smoke it out of that? And he just said, no, we're going to go to the store and get some skins or a blunt or something is what he said.

Q Okay. So now when you say he had a little marijuana, describe for me exactly what you saw?

A I just saw a folded up piece of paper with some marijuana that was rolling up to put in his pocket, but he didn't have any pockets in his shorts.

Q So you didn't see any like baggy or anything like that?

A Huh-uh, no.

Q And so the stuff that you saw in the paper looked like marijuana to you?

A Yes.

Q And the paper you said was like regular notebook paper?

A Yeah, like with lines on it. Like the stuff she's writing on right there.

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Q Okay. And you had made a comment to Michael, are you going to smoke that --

A Out of that.

Q Out of that. And he said he was going to the store?

A Yeah, to get some skins or blunts, I don't know which one he said, he was going to go get papers.

Q So what about the other guy that was with Michael. Did he --

A He didn't say much.

Q He didn't say much or you don't remember?

A I don't remember what he said. He didn't say hardly anything, but when he said blunt, I said, blunt? I said, yeah, I said, those things ain't no good. I said, you ought to try this wax stuff and then he turned and said, I don't know what that is and just kept on walking.

Q Okay. So when you say he turned, I don't know what that is, who is he?

A He's the D word guy.

Q The smaller guy?

A Yeah.

Q So you said you ought to try this wax stuff and --

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A And he just turned and said, I don't know what that is, and they just kept on walking.

Q What about Michael, did he say anything to you when you said you ought to try this wax stuff?

A No, they just kept on walking after that. That was about the extent of the conversation when they came by.

Q Okay. Prior to this day, what did you mean by wax stuff, do you know what wax is?

A I have seen it.

Q Would you describe for the grand jurors what you know wax to be, or what is it?

A It is marijuana that is crushed into a wax.

Q Have you ever seen anybody ingest that?

A Yes, no, you smoke it.

Q Have you ever seen what effect that has on people?

A Yes.

Q What happens to people?

A Makes them really high.

Q Okay. When you spoke with Michael the first time before he went up into the building, to you did he appear to be high?

A No, he appeared to me to be slow in

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nature, like he needed somebody to talk to.

Where I thought he was just bored up there in his apartment, heard me down there and wanted to come down and just talk.

Q Why do you think that, why do you say --

A Whenever he would talk and give me an answer, he would always put his head back and his eyes would flicker. I'm like, oh geez, I don't know.

Q And you had never spoken to him before this, right?

A Right.

Q So you wouldn't know what he would have sounded like on another day, right?

A Right.

Q When he would speak to you, would he speak rapidly or slow?

A No, it was real slow, but when he talked his head would go back and his eyes, I just thought he had an issue up there or something.

Q Okay.

A Was he high? I don't know, but it didn't seem like he was high to me. It just seemed like he was a little bit slow and was just wanting to talk to somebody.

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Q So what about when he came out of the building, you saw him briefly, did he say anything to you the second time when he came out of the building?

A They say they were going to the store to get the skins or the blunt or the papers.

Q So did Michael speak at that time?

A Michael said that.

Q Okay. Did he speak in the same manner that you had heard before?

A I didn't notice the head going back, but he talked real slow.

Q From what you observed or the time you had to observe him on the second time when he came out of the building, did you have any impression that he was high or intoxicated or anything?

A I didn't think so. I mean, I didn't have that. When they're walking away, they just walked away and I got in my truck drove it across the parking lot to the next building.

Q So when you saw him and the other guy walk away, where did they walk? You can use the pointer.

A They took off right here and started cutting through here and up that way. I don't know what happened after here, this is the way they took

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off.

I figure if they going to the store, they are going to that QuikTrip. That's the only store I know of around there. (indicating)

Q So you saw them walk toward Canfield Drive and then in a somewhat easterly direction?

A Yes.

Q As if they were going to be walking up Canfield?

A Yes.

Q Um, so how much time passed before something happened?

A I thought it would have been like 15 minutes. When they left, I drove my truck to right here, there was no cars there, so I pulled it right up over here, and started walking over here to get the Bobcat.

So however long it took to walk there to come back and take three little scoops out. I figured it would be 15 minutes. In my eyes I'm a foreman, so I would think that stuff takes less time than you know.

Q You didn't have a watch?

A I didn't have a watch. I would have just figured it took 15 minutes to go there, bring a

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machine back and dug those things up.

Q And then what's the next thing, were you still in this general area when something happened?

A Yeah, I was right here. He had just dug that out and we dug this one out.

Q He, meaning ?

A Yes, . And I was cleaning the crumbs out of that back hole when I heard the first pop.

Q Okay.

A By then was getting out of the machine, and I got up and walked over to my truck and I asked , did you hear that? And he said, yeah, it sounded like a gunshot. Then all of the sudden by the time I got to my truck there was another one. By that time that pop happened, he was back by my truck with me. I don't think he was next to me yet.

Q Now let me back up. So when you're over in this area and you are now working in a different hole and digging the crumbs out as you said.

A Yes.

Q Did you notice anything going on over here, did you notice a police car or any other vehicle or anything?

A No. When I heard that pop, I looked that

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way, I didn't see anything.
Q Okay.
A There was nothing.
Q So nothing drew your attention to this area before that?
A Not before that until that first pop.
Q Okay. And so you said was also in this general area?
A He was just getting out of the machine right there. (indicating)
Q What kind of machine are you talking about?
A Like a Bobcat, but it's a Mustang. We call it a Bobcat, but it's not, it's a Mustang.
Q So it is a smaller earth moving --
A Front end loader.
Q Does it make noise when it's turned on?
A Yeah.
Q Was it somewhat loud?
A Yeah.
Q Was it on when the pop happened?
A No, he was just getting off of it, he was all done.
Q Okay. So he had turned it off?
A Yeah.

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Q What about, let me ask you, , how is your hearing?

A Pretty good.

Q What about your eyesight?

A My eyesight is, I have to wear these glasses.

Q Okay. So were you wearing your glasses that day?

A Yes.

Q And when you wear your glasses, is your eyesight good?

A I believe it is pretty good. They say it is not 20/20 but they try to get it as close as they can.

Q Why do you wear glasses?

A Stigmatism.

Q It is not that you need them to read?

A Oh, yeah.

Q I wear reading glasses, but I can see far away. You wear them all the time; is that right?

A Yes.

Q And you need them to read things far away?

A And close up.

Q And close up. So on this day you said you heard a pop?

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A Yes.
Q Before this day, had you ever heard gunshots?
A I've heard gunshots, but it didn't sound like that. I've heard shotguns and .22's.
Q What did it sound like to you?
A Just a pop. I mean, like a firecracker.
Q Did you look in the direction of the pop?
A Yes.
Q Use the pointer and point out where you thought the pop was coming from?
A I thought it was coming from over here, that's why I turned my head and looked. And then he started coming, started coming out of the machine, so we started walking over to my truck, that was right here. By the time we got to my truck and then there was a second one.
Q Okay. How much time do you think there was between the first pop and the second pop?
A Barely a minute.
Q Between the two pops did you see anything?
A No.
Q And then you said you heard a second pop, what happened then after you heard the second pop?
A Then said that does sound like a

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gunshot and just then we saw the victim guy, Michael, come running through right here. As he come running, it looked like he was hit or looked like he trip and fell. As he fell to the ground, he caught hisself with one hand and then turned around and threw his hands up and started yelling, said okay.

Q So let's back up. So you are looking in that direction because you had heard the pops.

A Yeah, when said that does sound like a gunshot, then we said, they're shooting at that guy.

Q So you are already looking in that direction when you see Michael come running?

A Yes.

Q Did you see what was going on before he came running?

A No, the building is blocking it.

Q Okay. So you didn't see anything until something comes around that building area?

A My line of sight was from right here. (indicating)

Q Okay. So point to where you first saw Michael, where was he?

A Coming right from around this building

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about right there. (indicating)

Q Was he in the street, on the grass, on the sidewalk?

A In the street.

Q In the street, okay. And so --

A Here again, I believe he was on the street. That mountain right there is pretty high where I couldn't really see the street.

Q So this is an elevated area; is that right, this is a little hill?

A Yes.

Q Okay. So you believe he was in the street, but you couldn't see the street from where you were?

A Huh-uh.

Q Assuming his feet are on the street, I mean, if you can't see his feet in the street, I assume you can't see his feet?

A No.

Q So how much of his body could see from that hill?

A At least a little bit below his knees.

Q Okay. So when you first saw him, you said he was running?

A He was staggering running, falling down

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running.

Q Okay. So did you recognize him immediately as the guy?

A No, I did not. did after all was done, he said that that's the dude that you were just talking to.

Q Okay. So when you first saw him, you didn't recognize him as the guy?

A No.

Q And so you said, okay. Then he was running or staggering. Did you believe that he was injured at that point?

A I had thought that beings he was tripping and falling like that, that he had been shot.

Q Okay.

A Then he figured I've been shot once, I better give up, so that's what he was trying to do.

Q So let's back up. So you figure he must have been shot?

A Yeah, I don't know for sure.

Q Okay. And you figured that based upon the fact --

A He was tripping and falling.

Q He was tripping and falling. Now, you didn't know if he had shoes on his foot at that

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point?

A I didn't know he had shoes on until after we were leaving the job and then I seen the red hat and the shoes laying on the ground.

Q So you couldn't see his feet at that point where he is running or tripping or falling toward you in your direction? And is he running toward you or is he running in this direction? (indicating)

A No, he was running straight down the street.

Q Straight down the street.

A As soon as he cleared that building where I could see him, that's when he just kind of almost fell, almost fell down and caught himself and stood back up.

Q Did he actually, did his knees or his hands touch the ground?

A See, I don't know if his hand, I know he put his hand down, I couldn't see the rest. I don't know if his hand touched the ground or not.

Q Okay.

A I know he put his hand down, which I thought maybe caught his balance and then turn and faced the officer.

Q About how far did you see him from the

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point you first saw him running to where he staggered and had to catch himself?

A I believe, the distance I was at?

Q Well, no, how far did he travel?

A Oh, that was about 25 feet probably.

Q Okay. And then you said you thought he was staggering because he was hit or shot?

A Yes.

Q And at this point, did you believe that those were gunshots you heard?

A I don't know what I believed. I believe that said those are gunshots.

Q Okay.

A And then as soon he staggered and fell like that, that's when the officers came.

Q Okay. So could you see blood anywhere on Michael?

A No.

Q All right. So you say he was staggering and fell, but caught himself in a way, right?

A Yes, and turned around.

Q He didn't totally fall?

A No, he didn't fall, he caught himself and stood back up and tried to get back up from what I hear.

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Q When he fell, was he still facing in your direction, or had he turned around?

A No, when he fell, he turned away from me and then stood up.

Q Okay. So when he turned away from you, what direction was he facing?

A It was almost like a full circle. He turned all the way around to face the officer.

Q You said to face the officer?

A No, that way he was facing, I guess, west almost, like a northwest on Canfield.

Q Okay. So he was facing in that direction like looking up the street?

A Yes.

Q And at this point, let me ask you this, when he was coming toward you, could you see his face?

A No.

Q And is it because you couldn't see his face, it was too far away?

A Too far, I believe.

Q Okay. Now, you said that he staggers, kind of falls, but catches himself, but he turns 180 degrees around?

A Yeah.

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Q And then what happens?

A And then he throws his arms up and starts yelling, okay. And within a couple of seconds the three officers came up and the one just pulled up and shot him.

Q Okay. Let's back up. When you say he kind of staggered down and then he was turning around. I'm going to ask you to stand up so we can see what you're going to demonstrate here.

Show me with your hands and body how you saw him turn around?

A From the fall?

Q After he staggered and then you said he then kind of caught himself and then stood up?

A It was almost like he was falling to the ground and then came like that, and then just started yelling okay, like that. (indicating)

Q Okay.

A When he caught himself like that, he was still trying to catch himself, but he was coming towards the officer, but he wasn't, I mean, I think he was still, that's what I thought he was shot and then he was still trying to catch his balance.

Q Okay. So when you saw him as he was turning around kind of coming back up, you said he

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put his hands up?

A Yeah, as soon as he started coming back up, he started yelling okay.

Q Okay. He was yelling okay?

A Yes.

Q Did you hear anybody, before he yelled okay, did you hear anybody else say anything?

A I heard nothing else.

Q All right. So you just, if you can stand up again and put your hands up the way you saw his hands up?

A I got this side view of him, so he was kind of leaning forward a little bit, but his hands were up like that. (indicating)

Q So I've got to describe this since we don't have a video of this or picture. So you're standing --

A He was kind of coming forward still, so he was going with his feet, shuffling to catch himself.

Q And so you're standing with your arms up?

A And out a little.

Q And out forward a little bit, palms are facing forward?

A Yes.

Q And your hands are well above your head,

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would that be fair to say?
A Yes.
Q Okay. And so, but you said that he was kind of moving forward or bent forward?
A When he came up from catching himself, he came up and was probably still trying to catch himself, but he was coming forward when he was yelling.
Q Okay. And you heard him say okay, okay, okay, okay?
A About seven or eight times.
Q You can sit down. He's facing away from you at that point; is that right?
A I'm looking at his side.
Q Okay. And you just motioned onto, from your right side?
A Yes, it would be his right side.
Q Okay.
A I'm getting the side view of him, not the front or the back.
Q Okay. And when he turned around or at any point yet have you seen any injuries or have you seen blood on him anywhere?
A No.
Q When he put his hands up, did you see

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blood on his hands or anything in his hands?
A No.
Q And he's facing away from you at that point, right?
A Yeah.
Q Okay. Do you remember?
A Just facing the side.
Q Okay.
A I didn't have a back view or anything.
Q So now at this point, I'm talking now about right at the point where now he's turned around, had you seen any police officers yet?
A Not yet.
Q All right. And you heard two gunshots at that point, correct?
A Yes.
Q And so then from the time you saw Michael, first saw him in your view to the time he turned around, did you hear any gunshots?
A Not after the second one.
Q Okay.
A So no.
Q At some point, like I said, he's turned around and at some point you see police?
A Yes.

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Q So describe what you see when you say you saw three police officers?

A Yeah, there was one in the front with his gun out and pointed down at the ground and then two more were just coming in behind. They didn't have their guns drawn.

Q Okay. Were these uniformed officers?

A Yes.

Q All three of them?

A Yes.

Q So you said there was one that had his gun out, but pointed down?

A Yeah, come walking towards him.

Q So where is he, is he in the street, on the grass?

A All three of them are in the street.

Q Is there one officer that's closer to Michael than the other two at that point?

A Just the one with the gun. The other two were back about five or six feet, seven feet.

Q And the other two on either side of him, the officer with the gun?

A No.

Q So where are they?

A They are just behind him.

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Q Okay. So if the officer with the gun were to stand and look forward?

A There would be one on each side in the back about five or six feet back.

Q Okay. And so did you hear any of those three officers at this point say anything?

A No, I didn't.

Q And then you recognized them as police officers because of their uniforms, is that fair to say?

A Yes.

Q You hadn't seen them before that day though?

A No, I don't really, an officer could drive by me and I wouldn't recognize him the next day.

Q Okay. But you hadn't seen them in the complex earlier doing things that day or anything?

A No.

Q And so when you saw these three officers, describe physically the one that had the gun drawn?

A What I saw, I thought it was either gray headed or blond headed, marine haircut and a little heavier set than the others.

Q How about, use yourself as reference point. Do you think he was taller than you?

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A Uh, I would maybe say he might have been an inch or two taller than me or the same size.

Q And you are 5'11"?

A Yes.

Q Was he your build, skinner --

A He was chubby, but a bigger guy. I don't think he was chubby, but then I think he had a vest on too, and I think that makes them look a little bigger too.

Q Okay. And about how old did you think he was?

A The officer, I didn't even have a guess, but his hair was either gray or blond.

Q So he didn't have a hat on?

A No.

Q What about the other two officers, what did they look like, were they all white, all three of them white?

A Yes.

Q Okay. What did the other two officers look like?

A One had dark hair and a mustache from what I remember and then the other one, I didn't know if it was a woman cop or a little, a little, new little boy cop, or a young, I don't know, like that.

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Q The other one you are describing was smaller built?

A Yeah, a lot smaller.

Q Could have been a women?

A Yeah, and then when we were driving out, when I looked over and seen Michael's shoes, there was a woman cop there. That would lead me to believe it was a woman cop.

Q Did you recognize her when you were leaving as the woman you saw?

A No.

Q So you are just kind of thinking that might be the same one?

A I just, I didn't know. Yeah, I would just think. I couldn't honestly say.

Q Okay. And remember when I said it is okay for you to like guess or assume things so long as we explain why you think those things?

A Yeah.

Q You really can't say that female police officer that you saw was the same officer that you described that might be a woman?

A Yeah, well, it all happened so fast and then they were out of there. I can only catch just a little bit, you know. I'm not even real sure the

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other guy had a mustache. He was one of the three that I could look at that wasn't like the other one. This is the one that talked first. I mean, I seen this twice so.

Q All right. So after you say you saw Michael turn around and he had his hands in the manner that you demonstrated and he said okay, okay, okay, okay, several times and then you see these three officers, are they coming down the street?

A Yes.

Q And how are they moving, are they are running, walking?

A Pretty swift. They weren't running, but it was a pretty quick walk.

Q And you said that the officer that was in front had his weapon drawn and you were kind of with your motion with your hands like this somewhat? (indicating)

A Yeah, he was pointing it down towards the street until he got within about 10 feet of Michael.

Q Did these three officers continue to move in Michael's direction?

A The two slowed down when he started shooting.

Q When who started shooting, the officer

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with the gun drawn?

A The officer with the gun.

Q Did the other two officers ever shoot?

A No.

Q Did you see them with their guns drawn?

A After the one officer's gun emptied, the other guy pulled his gun for probably a couple of seconds until Michael fell. Once he fell then they put it away and whisked the other guy out of there.

Q Okay. So now as you say the other officers were moving swiftly toward Michael and Michael had turned around.

A Yes.

Q Did Michael move in a direction?

A He was still catching his balance from standing up and he was coming towards him, but it wasn't like he was running towards him.

Q Okay. How many steps did he take towards the officers?

A By the time the shot was, I'd say about four, maybe five to catch up on his balance.

Q And was he, when you said that he was kind of catching himself, was he, you kind of had hands up, but you were kind of going forward, was he falling at that point?

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A No, he was just. I think he was a big kid and was coming up. I thought that he had been shot, so I don't know what it feels like to be shot. So maybe wherever he got shot was kind of bothering him too. He wasn't really falling, he was just --

Q He was moving towards the officers?

A He was moving towards the officer.

Q Okay. And you said about how many steps, three or four?

A Yeah, there was like no gap between his heel and toe, he was just kind of staggering forward.

Q And then what happened after he moved three or four steps?

A Then the officers got up to him.

Q What does that mean?

A Well, by that time the officer was there, as soon as the officer got there, I didn't hear the officer say anything because he was yelling okay and then just pulled up and started shooting.

Q So the officer you're talking about who pulled up and started shooting was the one who had his gun drawn?

A Yes.

Q So how close was he to Michael Brown when

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you saw him starting to shoot?

A About 10 foot when he started and about five to seven feet when he ended.

Q How many, now this is after those first two shots, this is the second?

A This would have been the third, fourth, fifth, sixth.

Q Okay. How many shots do you think at that time?

A I think it was seven, and the reason I think that is most officers carry guns with nine bullets. So if there was two to start with and then he emptied his gun, that would have been seven.

Q Okay. So, now, this is where I don't want you to get into assuming things.

A Okay.

Q I can tell you that his gun didn't carry nine bullets?

A Okay.

Q So don't get stuck on a number --

A Oh, no, no, no.

Q -- or make an assumption. Think in your head how many shots you think you heard?

A My first guess was six or seven, when I first --

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Q Okay.

A -- wrote down on that piece of paper, I think I wrote down six or seven.

Q All right. And so was there, were these six and seven shots one after another?

A Real quick.

Q Or was there a pause?

A Real quick.

Q So it wasn't like three and then pause and then three more or six or four more?

A Real quick. All of that happened so fast, I think I was probably in shock at what I just witnessed and I didn't know what to think was going on.

Q So when Michael, when the officer started shooting, did you see Michael Brown get hit with bullets?

A Yes.

Q And why do you say that?

A Because I seen stuff spraying.

Q Okay.

A My eyes were focused on the smoke coming out of the gun and the back of him just, to this day stills bother me looking at that.

Q Now, you know that you have made a

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previous statement where you said you saw his shirt and that you saw the bullets going through him because you saw his shirt pop or something like that. Did you think that you saw bullets coming out of his back?

A That's what I thought.

Q Okay. Do you think that today?

A I don't know what I think today. Because I still, I've never seen somebody get shot before and when I watch it on TV they make all of these crazy movements when they get shot. He didn't make one single movement. It was like the bullets went right through him and he didn't know they were going through him.

Q Okay. But did you see bullets come out of his back?

A I didn't see the bullets. I seen what looked like might have been.

Q Okay. But now you know that there were no injuries, bullet holes on his back, don't you?

A I don't know that, no.

Q Now, you've heard about the autopsy that was on the news, correct?

A They said six holes, that's all I know.

Q Did you ever see that on the news?

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A I think I saw that in the newspaper.
Q Okay.
A I didn't see it on the news, but I seen like the headline on the newspaper, parents do autopsy or something like that.
Q Okay. And so, at some point you read that there was no bullet holes in his back, right?
A I didn't read that at all. I have no idea. That's what it looked like. What got me he wasn't moving, it didn't bother him.
Q Okay.
A I was more confused than I was anything.
Q And I understand this happens very quickly, right?
A Yeah.
Q It is something you're not expecting, kind of catches you offguard, right?
A Yes.
Q And it is very important and I understand that sometimes you think you see something and then maybe you realize that you didn't actually see it or what have you, but my point is, at some point you had described it as if the bullets were coming out of his back?
A That's what I swore I saw.

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Q Okay. But you now know --

A You believe I wrote that on my first thing I wrote down. I mean, I believe that's what I saw.

Q Okay. I'm not doubting that you believe that that's what you saw?

A I know. That's what confuses me too. The more stuff you hear, that's why my fiancee won't let me watch the news any more.

Q But you now know, don't you, that there were no bullet holes in his back?

A I know because you told me.

Q Okay.

A That's why I only knew there were only six holes.

Q And you had mentioned earlier that you had talked to the FBI this morning?

A Yes.

Q And they talked to you for a couple hours, right?

A Yes.

Q And did they record you by the way?

A Yes.

Q Okay. During that conversation, did they ask you if maybe you've kind of changed your opinion about whether there were bullet holes in his back

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because you learned at some point --

A Yes.

Q And you admitted that that's possible, right?

A Yeah, I changed my thought on a lot of it after you hear things. It is not really my thought, it is, I think, when it first happened, I was more in shock on what I saw. And now when you have time to give it time to get out of your head for a while, it changes.

Q Sure. But my point being is that, you know, when you saw something and you think, you know, in your brain it is recording or registering and then later you learned that it might not have been exactly the way you saw?

A Yes.

Q Because there were no bullet holes, I'm telling you, and you heard on the news, there is no bullet holes in his back. It looked to you like bullets were going through his body, is that fair to say?

A That's what it looked like.

Q Okay. Now, you had said there's things now that you are thinking that you changed your opinion on or your thoughts about. Is there

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anything else other than that?

A Uh, it is just that autopsy thing. When I heard the six shots, I don't know what happened on the first two shots, but then the rest of the shots, maybe it wasn't that many shots. I don't even know. I know there was two in his head, but I don't know where the other ones were.

Q Okay.

A Whatever I read on the big line of the newspaper is what I read.

Q Okay. So now, you seen, haven't you, some video that shows you and standing like next to your truck or in the parking area?

A Yes.

Q Where you are looking into the distance?

A Yes.

Q And we can see you from behind, we see your back; is that right?

A Yes.

Q You have a pink shirt on in that video?

A Yes.

Q You have seen that, haven't you?

A Yes.

Q That's you that's doing that? (indicating)

A Yes.

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Q Okay. Now, so in the video, in the video you kind of motion like this?

A Well, I threw my hands up, he had his hands up.

Q Do you recall in the video what you were doing with your hands?

A I just raised them up, but the guys at the FBI pointed that I was also on the cell phone at the time, which I don't remember being on a cell phone.

Q Okay.

A I don't talk on the cell phone a lot. I don't remember being on it and they wonder who I was talking to, and I wouldn't have any idea. If I was talking to anybody, it would have been my fiancee.

Q So you could see on the video that you had a cell phone?

A You can't really see the cell phone, but what else are you doing when you have your hand up like that.

Q Okay. But you don't remember talking on your cell phone?

A No, I don't recall that at all.

Q Did you video anything with your cellphone?

A No, I'm not that fast. I don't even know

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how to video with it. Sometimes I make a mistake and get lucky and hit it.

Q Now, I'm going to show you, you talked about your written, what you had written down, okay. Now, sometime after this happened you wrote this down on a piece of paper; is that right?

A Right.

Q The police didn't ask you to do that?

A No.

Q You did that on your own?

A My old boss told me to write down what I think I remember of it.

Q Okay. Is this your statement?

A Yes.

Q Okay. Now, it is not signed or anything, but you recognize that's your handwriting?

A Yes.

Q You recognize this piece of paper to be like, is this perhaps on the back of this?

A The whole long piece of paper.

Q Okay.

A This paper I think, they made it smaller, I guess. In my truck it is about this long.

Q But this is, I mean, this is just a copy of it?

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A Here is the other half of it.
Q You recognize that is your handwriting; is that right?
A Yes.
Q So this says at the top, witness cop shooting 8/9/14, when did you write that?
A Approximately 35 or 40 minutes afterwards.
Q Okay.
A Maybe even an hour.
Q So on the same day?
A Yes.
Q Well, let's back up then. Before we get to you writing that statement. So you actually see Michael Brown fall?
A No, I did not see him fall.
Q Okay. And why not, did you look away?
A No, he staggered forward and then was out of the sight going around that building.
Q When you lost sight of Michael Brown because he was beyond the building, were the gunshots still going off at that point?
A No.
Q The gunshots had stopped?
A Yes.
Q And so did you ever walk down to where his

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body was in the street?

A When I did that, I did it from, I believe right here. That's as close as I got on top of that. (indicating)

Q Did you walk there or drive there?

A We were driving out over here, but this was blocked off by a firetruck. Then we had to come back around over here and there was kind of some congestion right there. So and I walked over to here, that's when I gave somebody my card that I thought was the kid in the red car, but I wasn't sure. That's where I could see his hat and shoes, and I could see the body laying there, I still didn't know that it was Michael, the guy that I talked to.

Q Okay. So when you went back down to the street, let's go back then. Michael is out of your vision before he falls to the ground?

A Yes.

Q When is it you see the officers walking towards him and shooting?

A They shot him first and he stumbled forward.

Q Did he stumble past them?

A No, they were backing up with him as he

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was going. And then the officers went out of sight and he went out of sight.

Q At some point they are moving swiftly towards him and then they began to back up?

A He was stumbling forward.

Q All right. And were they firing when they were moving forward?

A Uh --

Q The one officer?

A That officer probably took one or two steps maybe while he was firing. The other ones had stopped.

Q So when the officer who was firing, when he started to move backwards, did he walk backward or did he turn around and go backward?

A He was walking backwards and that's when the other guy just took his gun out and then they went out of sight. I didn't see anything else after that until we put all of our stuff away.

Q So you said he might have taken a couple of steps while he was firing, moving forward?

A Yeah, it looked like he was about 10 feet away, but by the time he got finished, it was like eight to seven, seven to eight feet away from him, six feet away.

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Q What do you mean by the time he got finished?

A When the gun emptied.

Q Was he still in your sight when the gun emptied?

A Yes.

Q How do you know the gun emptied?

A I don't know if it emptied, he just stopped shooting.

Q Rather than make that assumption?

A Okay, okay, you're right.

Q Let's just say he stopped shooting?

A He stopped shooting.

Q And so you could see the officer when the shooting stopped?

A Yes.

Q So how is it that he can move backwards out of your sight then?

A Everything started moving that way. There was only like about 15 or 20 foot window of my sight before they went behind that building.

Q All right. So Michael Brown then after the shooting stopped, he continued to move in the direction of the police officer?

A Yes.

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Q How long did that, how long did he walk or stagger or stumble?
A They were out of my sight in just a couple seconds.
Q I mean, distance wise?
A Oh, I thought he staggered for 25 feet, maybe 30.
Q Okay. Did you hear any shots after that?
A No.
Q Okay. The officer stopped firing, you see Michael Brown continuing to move in the direction that the officers had come from, so somewhere around here? (indicating)
A Yeah.
Q About 25 to 30 feet and then he's out of your sight?
A Yeah, when they went around the back of that building, I didn't see anything again. Two minutes later, the other officer with the mustache came out with the tape and started taping off the whole thing.
Q Two officers that were on either side of the officer with the gun?
A Yeah.
Q Did they move back with the officer?

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A Yeah, they stayed back a little bit when he got up to him. They were like seven, eight feet back already. Then when he started staggering forward, then they all move back.

Q Okay.

A Those two were out of my sight real fast.

Q Did you ever see the officer after he backed up and he was out of your sight after that?

A The one that did the shooting, did I ever see him again? No.

Q You don't know where he went or what happened to him?

A I don't know. Somebody said they whisked him out of there.

Q You didn't see that?

A No, I didn't see that.

Q What about the other two officers, did you see them again?

A He was there taping all the stuff off for a while and dealing with a lot of angry people. That's when I saw a female cop there and by then there was the firetruck there, five or six more officers.

Q Is that when you are up here?

A Yes.

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Q Let's stay down here until we get done with this area. Now, you mention something about that you gave a guy a card when you were in this area. You thought it was a guy in the red car?

A Yes.

Q Tell me about when you first see a car, that red car?

A When the officer was taping it off, he pulled up and started yelling at him out the window and that officer yelled he was a threat, and he sped up and parked by over where I originally parked at. And he got out of his car and started yelling stuff and started screaming on his way over there to get closer to where he was taping off. He kept yelling. That's when I told we better get out of here.

Q So the guy in the red car, do you know what kind of car it was?

A No, a little red thing.

Q Was the guy African-American or white?

A African-American.

Q About how old?

A He just jumped out of his car and started screaming and started walking towards the road.

Q Where was his car when he jumped out of it?

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A He didn't park in a parking stall. He parked right there, just right on the road.

Q Okay. Now you say later when you were walking back down here, you saw somebody and gave them your card and you thought it was the guy?

A He had a blue shirt on.

Q All right. Was he still in the red car when you saw him up here?

A No, he was standing on top of that hill. They already had that flagged off or taped off.

Q So you just thought it was the same guy?

A I just saw a blue shirt.

Q So just by the shirt, that's what you thought?

A Yeah.

Q So had you ever seen the guy in the red car before that day?

A No.

Q Other than before that, had you ever seen him?

A No.

Q So how long did you and stay at that location in the parking lot area before you got in your truck and drove around here?

A A couple minutes. We just threw some

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shovels in the back and he jumped in the Mustang and drove it over there and parked it and we unloaded most of the pipes.

Q So drove the earth moving machine, the Mustang?

A Yes.

Q Back to around back here? (indicating)

A Yeah. He could take the short cut, but I had to drive all away around the whole thing.

Q Can you guesstimate how many minutes you thought it took you from the time you saw the shooting until you got your truck loaded up and you moved out of that area?

A Out of that area?

Q Uh-huh.

A Maybe three minutes.

Q So the video where we see you standing there going like this in the pink shirt, are you still in this area when that video is taking.

A Yeah, that was pretty quick after.

Q Okay. And so you only stick around there though for two or three minutes?

A Yeah. As soon as the guys started taping off, I told we better get our tools and get going, it is going to be pretty messy around here.

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Q So when is it that you first talk to the police?
A In person, I think the next day.
Q Okay.
A Came out to our office, or something.
Q So we're talking the next day now. Let's finish up with August 9th. You wrote this statement on that day?
A Yes.
Q Where did you go, when you went around here and you had walked down closer to the scene, how long did you stay in this area?
A I just went up and handed him the card and took off.
Q So you went back and got your truck?
A Got my truck. And some maroon car was trying to get through, when she went through then me and could leave.
Q So you know that there were a lot of police officers arriving at the scene at that point?
A Yes.
Q You didn't stop and tell anybody you saw this?
A No.

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Q Why not?
A I just wanted to get out of there.
Q What about, I mean, do you have any fear of police officers yourself?
A No.
Q Or distrust?
A No. There is something I don't like probably, but I just want.
Q You just wanted to get out of there?
A I just wanted to get out of there.
Q When you left, where did you go?
A Back to the office.
Q In ?
A , yeah.
Q . Did you drive back?
A No, he drove the dump truck.
Q Did you and ever have a conversation about this after it happened?
A When we got back to the shop, we were talking about how freaked out it was.
Q Did you talk about details or just in general I can't believe I saw that.
A Not to much on details. That's when he told me it was 30 minutes and I thought it was 15.
Q The 30 minutes versus 15 when you thought

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how long?

A Took him to go get the machine and bring it over there.

Q And that was the same time period where you say after Michael Brown and his buddy left and walked up the street before?

A Before they came back.

Q You saw him getting shot?

A Yes.

Q Okay. You estimated that as more like 15?

A Yeah, I just figured it take them 15 minutes to walk over there and get that and come back. Basically that's what I think that took.

Q Now, let's talk about the statement that you write there.

A Okay.

Q And you said that a friend of yours or a former boss had told you to go ahead and write it down?

A Yes.

Q Have you seen it before today?

A I haven't read it since I wrote it.

Q Okay. Since I don't want to, you know, you have got decent handwriting. I don't want to misread something since it is in your handwriting.

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Can you read out loud what you have given in that statement starting with up at the top, witness cop shooting 8/9/14.

A Witness cop shooting 8/9/14, 12:00. Talked with victim for 25 or 30 minutes about God. He says the Lord Jesus Christ will help me with my, through my problems. And he said he was going to the store and he would be back.

Then I heard a pop, thought nothing, then I heard another and looked over and saw the victim stumbling and running through gunfire, figured that he was running from who had the gun.

Then he threw his hands up and yelled okay, okay, okay, and the police officer who said nothing emptied his gun into the guy. I believe seven more at close range.

What happened before the first two, I don't know, but from when, from when he said that he would be back, I would say 25 to 30 minutes, that's what I changed when I talked to

Q Okay.

A Minutes passed before shots fired.

Q So the 25 to 30 minutes that you write on there, that was something that you changed because had talked to you about?

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A Yeah, I told him it was 15, he said no.
Q So someone else kind of, after talking to someone else, you kind of changed your thought on that?
A Yeah. I circled it to remind myself I changed that.
Q Okay. And because I'm not sure because nobody's name is on here, is this a map that you did?
A Yeah -- no, this is what, when we started out that morning, this is where we crossed off that we finished.
Q Okay.
A This was something where we were working too. I don't think there is anything on here but work.
Q Okay.
A I don't know what that is.
Q Okay.
A When we were working our way around to get over here.
Q Okay. And so this is something that you used just while you were working to keep track of what you've already done?
A Yeah. Just where I scratched them off

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where I put an X to breakdown what we did.

Q Do you remember when you talked to the officers at one point, did you use this map to kind of show them?

A The first officer, not that map I don't think, the first officer didn't even ask.

Q Okay.

A He just took a quick recording and left.

Q You spoke to an officer?

A Or detective.

Q Pardon me?

A A detective.

Q And that was a county detective, correct?

A St. Louis County, yes.

Q And then after that you talked to another county detective, correct?

A Yeah, that was a ways later though.

Q So just so, on that, did you talk to an officer on the day of the shooing at like maybe 10:00 at night?

A That would have been , I believe. They wanted to get ahold of me and were trying to set up a when or a where or something.

Q So there is a statement that you made that was at , is that

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where you work?

A Yeah, I think so. I don't know the exact address off the top of my head.

Q Okay. And do you remember talking to, the first time you talked --

A His name was , yes.

Q Okay. , does that ring a bell?

A I don't know his last name.

Q Okay.

A I've just got his phone number is all.

Q Okay. And then you recall on August 18th talking to a Detective and Special Agent ?

A Yes.

Q And that was the second time you talked to the police, correct?

A Yes. That's when they took that piece of paper.

Q Okay. Your written statement?

A Yeah.

Q All right. And then after that, you had a conversation with detectives where you came down to the Clayton?

A Yeah, they came and got me.

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Q All right. And they brought you into Clayton and they put you in an interview room and they actually read you your Miranda Rights and they talked to you; is that right?

A Yeah.

Q And then after that conversation you, as recently as today, had like a two hour interview or conversation with FBI agents?

A Yeah, and U.S. attorney or something.

Q Okay. , does that ring a bell?

A rings a bell, the other guy I can't really thing of his name.

Q , does that ring a bell, dark headed guy?

A Yeah.

Q Okay. And other than those conversations, have you talked to any other law enforcement people about this?

A No.

Q Okay. Now, you made a number of statements to the media about this; is that right?

A I don't know if I would say a number of them. I think the lady from Channel 2 pretty much upset me.

Q So you talked to somebody from Channel 2.

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Now, you never, your face has never been on the TV that you know, correct, other than that video where you can see you from behind?

A Yeah.

Q You have never given an interview where your face appears?

A No.

Q You told reporters or journalist about what you saw?

A I talked to that Shirley Washington and then sometimes when I go back out to Canfield, people would come out, and like one of the maintenance guys would point out there's that guy, and then they would come over and start talking.

Q They, meaning reporters?

A Yeah.

Q So you went back to Canfield after this day?

A I went back there a couple of days and people kept bothering me, so they pulled me out of there for a while. And then I waited a couple of weeks, he sent me back up there again, and it was the same stuff, so I just left.

Q So you talked to a few reporters about what you saw; is that correct?

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A I told them I didn't want to do any bull, I didn't want to do no talking.

Q I understand.

A They came up to me, a lot of them did. From Connecticut, from Florida, all of them coming from everywhere, they wouldn't leave my phone alone.

Q Now, at one point though, did you contact the media because you were upset?

A I contacted Channel 2.

Q And why is it that you contacted the media?

A They said something on the TV that I didn't feel was right. That was about the time all of that rioting was going on and I thought, you know, if you don't print that stuff like that, it wouldn't be, that's when Shirley wanted to keep calling me.

Q Shirley, meaning the gal from Channel 2?

A Yeah.

Q So do you think the media has kind of inflamed this?

A I believe it has. That's just what I believe and I believe that on my own.

Q Now, when you contacted the media, it was because you thought they were getting some things

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wrong?

A From what I saw they were saying stuff that probably shouldn't have been said or wasn't right. There is something that you shouldn't say.

Q Like, for example?

A I can't remember an example off the top of my head, but they tried to get one out of me today. Just things, you know, you shouldn't say.

Q What about have you seen any of the other people who were there said they saw this, like Dorian Johnson, ,

A I only talked to one guy who said he saw it on one day I went out there. I can't think of his name though, he was an older guy.

Q That would be

A , yeah.

Q You remember having a conversation with ?

A He was cooking pork steaks and ribs one morning when I was making my final list.

Q And you and were talking about how the media was kind of making, inflaming things, did you both think that?

A Yeah, we talked about that, but we really didn't talk about that for very long. We might have

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said something for a couple of minutes while we were talking and then we just switched over to barbecuing and not wanting to live at that apartment complex. He's been wanting to move out. The first time I was ever there he came up and said he lived there years, he's ready to go because the kids are moving in and the kids don't have any respect.

Q What about anyone else, other than media, have you talked to anyone else about what you saw?

A Other than my family and a couple of friends.

Q I'm asking specifically about Michael Brown's family?

A I talked to his mom. That Shirley gave her my number, they called me. It wasn't her mom that called, it was the name comes to mind. I don't even know if that was his name. She said hi on there and the first thing --

Q Let's back up. How is it that you were in touch with Michael Brown's mother?

A Shirley Washington said she wondered if I wanted to talk to her. I said I don't know, I don't see why I would have to.

Q So how is it that you spoke to her, was this in person or on the phone?

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A On the phone.
Q Do you know about when that conversation took place?
A It was at night.
Q I mean, was it like the day of?
A No, it was the day after I talked to Shirley.
Q Okay. So you were speaking to a woman on the phone and you were told that that was Michael Brown's mother?
A She asked about Michael and I told her, we talked for a little while and then she broke down. I said this is going to be hard. We'll just talk later when all of this blows over. The other guy started talking a little bit. I just said I'm going to have to get going.
Q So let's talk about that first phone call, did you talk with her about details about what you saw?
A No.
Q How long did you talk to her on that occasion?
A Just a couple of minutes, I believe.
Q And then what about you said --
A She started breaking down crying, so there

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was no really use talking to her, I didn't call her, or she didn't call me to have her tell her stuff to make her cry and breakdown.

Q So who called who?

A She called, or he called me and she was there.

Q Okay.

A I don't remember this guy's name. comes to mind.

Q You believe he was the media?

A No, he was with her, it was either her brother, husband, I don't know.

Q So then did you have another conversation with her?

A No.

Q I thought you said that you called her?

A No, I said we'll talk later after all of this cools over because I didn't want to talk to her to make her cry and go over the whole thing. I was just going to tell her that I thought Michael was a good kid. That's what I told Shirley, I'll do that. I don't really want to get into details.

Q Okay, I'm just going to ask you a couple more quick questions. We had a conversation before you came in and I know you don't want to be

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here, is that fair to say?

A I just want this all to be over with. I want to be left alone after this day.

Q And I told you that I'm not accusing you or anything, or you're not in any trouble for anything; is that right?

A Right.

Q Do you believe me when I told that?

A I believe you when you told me that.

Q So my question to you is, is that when you initially talked to the police the first couple of times, you didn't say anything in those first two statements about Michael having the marijuana that you saw that he had and that he was going to go to the store and buy a blunt or something of that nature. You didn't mention that or a conversation about wax or anything like that. Why did you not mention that when you first talked to the police?

A I don't know. The FBI asked me that question too. I probably didn't feel that I needed to stick him into the ground what little bit of marijuana he had, I didn't think that was that much.

Q So you just didn't think that was a big deal or relevant?

A I didn't think so.

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Q And you thought that that might make him kind of shed a bad light on him after he passed and you didn't see the point of doing that?

A I didn't think of it that way. I just didn't think throwing more gas on the fire was going to help.

Q Okay.

A The first interview was like the next day, I didn't even think about that.

Q Okay.

A He asked me a few questions, I answered him and we were done.

Q You understand that when the officers had you come down to Clayton and they talked to you in Clayton.

A Oh, yeah.

Q They were asking you a lot of questions about the marijuana and the wax and stuff like that; is that right?

A Yes.

Q And that was all stuff you hadn't told them before, right?

A No, they had to find that out themselves, I guess.

Q And so that interview with them, did you

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feel like they were accusing you of things?

A Oh, yeah.

Q Okay. And, but you understand that is information that they got from somebody else that you had not provided, so they wanted to talk to you about it?

A Yes, I understand that.

Q Okay. , is there anything that you can think of that I haven't asked or that you think is important that this grand jury should know to understand what happened that day?

A Not that I can, if I'm forgetting something or you know something, let me know. Not that -- it all just happened so fast, it is like in and out and gone. And then all of the sudden all the chaos with people calling and, you know, I believe the first couple days I was more in shock than anything. And then going home and arguing with the wife because I should have just not said anything.

Q And you believe that you should have not said anything?

A I don't truly believe, but then again, I've been accused of not thinking before I talk. So sometimes I might say stupid stuff.

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Q Okay. But you admit that you have made several recorded statements and we have those recordings?

A Yes.

Q So those would have details in them. Is there anything that you've told the police that you now want to change or that you want to say, yeah, you know what, that really wasn't what I saw or that's not true or I kind of elaborated on that?

A Other than what I already said?

Q Uh-huh.

A Oh, I don't know. I think over the time, my thought on the whole thing has gotten softer.

Q What do you mean by that?

A I don't, I don't know what happened to start with. But something had to happen for an officer to shoot at somebody. So I don't know, I don't know what happened.

Q Okay.

A You know, I just saw the officer shoot. I don't remember him saying anything, I don't know anything. I don't know what happened. Something had to happen, I mean.

Q So regardless, I mean, there is all kind of possibilities as to what could have happened, but

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you don't know anything other than what you have testified here today?

A Yes.

Q And you now know, we talked about you making assumptions about certain things, you said he had emptied his weapon?

A Yeah.

Q But you're only assuming that?

A I would assume that, I never did go check his weapon, no. I would have just --

Q So those are things that you just are, you always assume because of what you might know about guns and so forth?

A Yeah. That and when I wrote that statement down, I was probably in shock.

Q Okay.

A Just thinking about what I saw.

Q And the same thing with the shot that you saw fired, you at the time were assuming something and now maybe you think that that wasn't correct?

A That's what I thought I saw.

Q Okay.

A If that didn't happen, I still can't take that back because that's what I thought I saw.

Q Right. And I told you, you're to testify

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about what you saw that day, right?

A Right. That's what I thought I saw.

Q Okay.

A I mean, it was all real quick and it was gone.

Q All right.

MS. ALIZADEH: I don't have any more questions.

Q (By Ms. Whirley) I believe in your statement you said you saw the bullets went right through him, I could see his shirt popping back. What did that mean to you, did that mean they were going through his back or popping back in the front or what did that mean?

A I just assumed when he was shooting that close they were going out the back and it seemed like everything, but within two or three seconds, or whatever, four seconds, it was all done and over and they were heading the other way. So I just assumed that.

Q Did you ever see the officer shooting at Michael Brown while he was running and he had his back to the officer?

A No.

Q Okay. When you talk, you spend 25, 30

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minutes or so with Michael Brown, did he seem aggressive to you?

A No, he just seemed laid back.

Q You talked about God?

A He did a lot and I didn't want to get into a bible conversation.

Q Did he seem like he was in an agitated state?

A No.

Q That he was like pissed off or something?

A No, it just seemed like he was a little bit slow and I thought he wanted to come out and talk to somebody.

Q Did you see him with a weapon?

A No.

Q Did he appear to have a weapon?

A No, he didn't have any shorts on that would have been able to hold one.

Q You saw the officer at some point, you said when he was shooting at Michael Brown, you could see the officer?

A The one that did the shooting, I saw him.

Q Did you see any blood on that officer?

A No, I would have been too far away and he left too quick. I'd only seen that officer for

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probably 14 seconds and he was gone.

Q Okay.

A Out of my sight.

Q You saw blood on Michael Brown?

A No, I never did.

Q You didn't see blood either?

A I didn't ever see any blood.

Q Okay. You could see shots happening?

A What it looked like, I could just see blowing out of him is what I, that's what I just assumed.

Q Okay. You're gesturing towards his head?

A I assumed that because when you are that close with a gun, the bullet has to go through you.

Q All right.

A That was just my assumption and I would think that that's what happened.

Q Okay. Did you see anything coming out of his head?

A That's what I thought.

Q I mean, what did you think?

A That's what I thought.

Q What?

A That stuff was coming out.

Q Out of his head?

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A Probably from his waist up.

Q Okay. Um, and you say you never heard any of the officers say anything?

A Not until the one officer was taping off and he yelled he was a threat.

Q And that officer yelled that Michael Brown is a threat, is what you assumed he was saying?

A And he was telling that to the kid in the red car.

Q Okay.

A The kid or the guy, I don't really know how old that person was.

Q Now you said you heard Michael Brown say, okay, okay, okay. When he had his hands up, he was close enough for you to hear that?

A He was yelling it.

Q He was yelling it very loudly?

A Yes.

Q And you couldn't hear the officer say --

A That's why, when I say I didn't hear the officer say anything, maybe the officer wasn't yelling as loud as he was.

Q But you couldn't hear the officer?

A I couldn't hear him say nothing.

Q And you heard Michael Brown?

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A Yes.

Q And that statement that you wrote on August the 9th, you said you wrote that what, when you went back to the office or where did you write that?

A It was about 40, 50 minutes back to the office.

Q Where were you when you wrote it?

A At the office.

Q At the office in .

A , yeah.

Q Do you think that's the most accurate statement that you have since that was prepared the soonest?

A At the time I thought it was, but I really don't think I should have wrote anything down like that and the stuff that was going through my head. I've never seen anything like that. I truly believe I was probably in shock for a little while after that.

Q Okay. You've seen this statement, correct?

A I've seen that statement, but then after, you know, a month and a half later or whatever, you start reading stuff that comes out on the TV, it

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makes you start wondering if that's what you really saw.

Q Well, when you wrote that statement you, you had seen nothing on TV, correct?

A No, nothing.

Q This was right after it happened, correct?

A Yes.

Q That was probably your best memory?

A That's what I believe happened right there at the time.

Q All right.

MS. WHIRLEY: I don't have anything else.

MS. ALIZADEH: Just real quickly.

Q (By Ms. Alizadeh) , you had said something interesting just now, you said something about he didn't have a weapon because he didn't have any pockets, and you are talking about Michael?

A Yeah, Michael. I don't know what you call them, wear around the house shorts, just comfortable shorts.

MS. ALIZADEH: Did he change clothes from the first time you saw him, until the shooting?

A I don't believe so.

MS. ALIZADEH: Looked like the same

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clothes?

A I don't even remember what color his shirt was. I just remember the shorts were gray.

MS. ALIZADEH: So now, if I were to tell you that, you know, of course we know what shorts he had on when he was shot because, of course, those clothes have been seized. If I were to tell you that his shorts had pockets in them, does that change your opinion of when you said he couldn't of had a weapon because he didn't have any pockets.

A That wouldn't change my theory on that because they were those really light, you know, soft towel looking shorts, I believe. Where there is no thread to tie them. I didn't look in there, but I wouldn't think you could put a gun in there. I don't have a pistol, I don't own a gun.

Q (By Ms. Alizadeh) Do you know what cargo shorts are, khakis, cargo?

A I don't think that's what he was wearing. He might have been, I mean really, I don't think that's what he was wearing.

Q Okay. But when you saw him, and trust me, I'm not saying he had a weapon, we now know he didn't have a weapon, my question is, when you saw him, you just said that he didn't have a weapon

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because he didn't have any shorts with pockets in them?

A Oh, when you ask if he had a weapon, I would say no because I don't think those shorts would be able to hold it.

Q Okay.

A But then again, you know.

Q But that's an assumption on your part, right?

A Okay, all right. I see where you are going, I understand.

Q So we don't know, and like you said, we don't know what happened before you saw him run past that building into your view, correct?

A Yes. So then I just say, I didn't physically see a weapon on him.

Q Okay.

MS. WHIRLEY: So when the officer, when Michael Brown turned around and was staggering as you said, moving toward the officer, did it appear to you that he was charging the officer?

A No, it appears to me that he was just catching his balance. That's when I thought, where I assumed again that he had been hit with the second shot, which I don't know.

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Q (By Ms. Whirley) I don't want to talk at the same time.

A I'm sorry.

Q I'm sorry. Did it appear that the officer was being threatened by Michael Brown when you saw him stagger?

A At the time, no, but I don't know what happened.

Q I mean, when you saw him?

A When I saw him, it didn't appear that way. It appeared like he was just giving up.

Q It was what?

A It appeared like he was just giving up.

Q All right.

A Yes, sir -- ma'am, I'm sorry.

You mentioned in your statements that when you spoke with Michael, that you thought he was mentally slow. And you said you observed that by the way that he spoke, he spoke very softly.

A Yes.

As he spoke, he raised his head back and fluttered his eyelids and stuff like that. Have you ever had the opportunity to deal with someone that might be labeled or diagnosed as

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autistic?

A No, I have never met anybody autistic other than on TV or something. I don't know what autism is actually really.

Q The reason why I ask is, I have personal experience with it and sometimes when you come across people or adults that have autism, they tend to do repetitious kind of actions. So you mentioned, you mentioned that kind of brought it to mind when he spoke, he raised his head back and fluttered his eyelids. I'm assuming, since you brought that up, it was more than once that he did that?

A Every time he talked.

Q Every time he talked?

A Except for when he was walking to the store. He might of, but I didn't pick up on it when him and the other guy went walking away, I didn't pick up on it.

Q Okay.

A But he would just be standing there watching.

Okay. And this is the first contact you had or opportunity you had to actually have more, have any conversation with

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Michael Brown?

A I didn't even know who he was, he just walked up and started watching me working.

This is first time you two met, is that my understanding?

A Yes.

You had opportunity to see a person just a few minutes, 10 minutes, 15 minutes ago, take marijuana or some other drug in his system, you happen to see sometime in person like that?

A I didn't hear.

A person who has drugs, he use drugs, marijuana, cocaine or maybe --

A Do I know people that used that?

: You see people who use that, say 15, 20 minutes after they use the drug, you see people like that?

A I know people like that.

: What do you see in that person?

A They're just high. I don't know how to explain high, they're just --

Usually a slow person, maybe walking slow, talking slow, enough to maybe 40

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to 45 minutes they take the drug, he get high, but it will walking slow, talking slow, move his eyes up, sometimes you look like a zombie?

A Some people, I would say it all hits everybody a little different.

Thank you.

I'm going to go on there. I have seen people that have been high on marijuana and this is not meant to be funny, sometimes it is hard to tell the difference between high and being slow because that's what it does, it slows you down, it makes you mellow. Could that have been, you assumed he was slow because you didn't know whether or not he had smoked, was there something that made you think he was slow versus high?

A No, I just didn't feel he was high.

: Okay.

A At the time.

: It was just the impression you got at the time, he was slow and not high at the time?

A I mean, he may have been, I would just assume, I'm assuming that he was slow too, but that's the first impression that I got from him is

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that he was slow and came outside, seen me working and wanted to talk to somebody.

Okay. And I have a question about you said in your statement on the 18th of August that you were working at and then today you indicated that you were working and So I'm wanting to verify where you were when you saw this?

A When he got back with the machine, he started right here, he dug the first scoop, took the second scoop right there and the third one right over here, and then got off, parked the machine and my truck was parked right there. (indicating)

And where were you?

A After the first pop, I was right there cleaning the loose stuff out of the hole.

So you don't think you ever were working at ?

A is right there.

: Right.

A I already cleaned that out while he was working right there.

Okay. So you were working there to begin with and then you moved over here?

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A All we were doing, he would come through with the bucket, pop it in the ground and scoop a little out. I clean the loose stuff out and we add a little piece of pipe to it to get it further away from the building.

: Can I ask you how fast those Mustangs go?

A Five to seven miles an hour.

: How far is it from where you were to where his truck was?

A He parked here and he had to go out this way. I don't know how far that is. (indicating)

: A little bit ago you said maybe two or three minutes. If it goes at the very most 5 miles an hour, it would have been probably at least five minutes, right?

A I don't know.

: Okay. That's okay, I'm just trying figure out what happened.

A I know by the time he got over there with the machine, I already had the pipes out of my truck and put away so he could just park that and get right into his car.

: I have another question. You said, no, this is in the very first interview.

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No, he had his hands up, he was just kind of taking the shots, this is on page four. And then they asked, and once he was empty, then the bad cop pulled his gun and just staggered forward and dropped to his face.

In this interview you say you saw Michael drop to his face, but today you say didn't see, you saw him leave, you didn't see Michael drop to his face, correct?

A I saw Michael laying on the ground, so I assume that he fell on his face.

: So you didn't see him drop to his face?

A I didn't see him fall. When I came around and gave that kid a card, I could see him laying on his face.

: When you said I think he was dead on his feet and just fell forward, that was an assumption?

A I don't know if he was dead.

Okay. One more question, I'm sorry.

A That's okay.

You said in your initial two interviews, you said that the police officer was

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walking forward and stopped and at one point you said 8 feet and another one you said about 5 feet and then shot him.

In the media interview and today, you mention that the cop had his gun drawn and was walking backward. I'm just trying to figure out was me stopped?

A He had it down and was walking toward him. He started shooting at about 10 feet or so.

Okay.

A By the time he stopped shooting was about 6, 7 feet, 8 feet.

When you talked here and said he was backing up.

A I was doing a lot of assuming apparently from what I'm learning today.

I don't blame you, I assume all the time, but I'm just --

A When he stopped shooting, that's when they started backing up.

He started backing up after he stopped shooting?

A After the shots and then I never heard another shot after that.

This is the last one, I

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promise. You said he was coming, this is on page five of the August 18th interview. You said I think when I first seen him stumbling, fall, come out of that building, what building, I'm confused?

A When he come out of the building, come out from behind the building. By the time the second shot went off, he all of the sudden appeared out of nowhere from around that building.

Michael did?

A Yes.

: And then you saw the police officers?

A Yes, after he got turned around.

: You saw three of them?

A Yes.

: One of them had their gun drawn --

A Just one.

The other one drew his gun later, you didn't know if it was a boy or girl, never drew his or her gun?

A No.

: All right, thank you.

MS. ALIZADEH: Let me just cut in right here because we need to recess for today because one

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of the grand jurors has a time problem. Is there a quick question and if you think of something later, I can give a call and see if he would be good enough to come back to answer additional questions at a later date. I know he wants this over with today, but is there any important burning question that you want to ask now and if you think of something later, we'll see what we can do about later. Anyone?

Okay so this will end the testimony of

(End of the testimony of)

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State of Missouri
SS.
County of St. Louis

I, , a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to

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and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

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COURT MEMO

State of Missouri v. Darren Wilson

CERTIFICATE OF OFFICER AND
STATEMENT OF DEPOSITION CHARGES

DEPOSITION OF Grand Jury, Volume XII

10/13/2014
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IN WITNESS WHEREOF, I have hereunto set my hand and seal on this _____ day of _____

STATEMENT OF DEPOSITION CHARGES

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_____

Notary Public

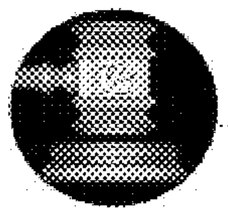
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Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume XIII

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 16, 2014

VOLUME XIII

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IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 16th day of October, 2014, before

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APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

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(314) 615-2600

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GRAND JURY HEARING VOLUME XIII

MS. ALIZADEH: Good morning.

(All say good morning.)

WITNESS 34,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

MS. ALIZADEH: Now, this is Kathi Alizadeh. It is October 16th, 2014, it is 9:14. This is the first of the day. We had a little late start today. I'm present, with Sheila Whirley from the prosecutor's office, all 12 grand jurors are present, as is the court reporter and we're getting ready to hear from the first witness of the day who has been sworn.

BY MS. ALIZADEH:

Q You and I met with your attorney and Sheila prior to you coming in here today; is that right?

A That's right.

Q And remember that I told you that the court reporter is taking things down and there will

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be a recording, but before we start the recording I'm going to have you introduce yourself. Do you remember me telling you that?

A Yeah, uh-huh.

Q And then I told you that after we start the recording, we are going to refer to you by a number instead of your name, okay?

A Right.

Q And your number is going to be 34, okay?

A Okay.

Q So could you please state your name for the grand jurors?

A Witness 34.

Q And how old are you, sir?

A .

Q And whereabouts do you live?

A (Redacted)

Q Okay. (Redacted)

A (Redacted)

Q How long have you lived in the St. Louis area?

A I have been in St. Louis since .

Q Do you live in the Canfield Green Apartment Complex?

A No, I have a .

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Q Okay.

A .

Q And what do you do, what kind of work to do you do for a living?

A Sort of like work.

Q Okay. All right.

Now having been identified, I will have the court reporter start the recording and then we will have you, we will refer to you by your number, okay?

A All right.

Q (By Ms. Alizadeh) Sir, prior to the recording being started, you identified yourself and for the recording purposes we're going to refer to you as Witness Number 34; is that right?

A That's all right.

Q And, sir, just back up a little bit and restate what you already said, how old a man are you?

A .

Q And you live ?

A Right.

Q All right. Are you familiar with the Canfield Green Apartment Complex?

A Part of it, yes.

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Q You've been there before?

A Yes.

Q I'm going to show you Grand Jury Number 25, which is a map, an aerial view of some streets and buildings. This being Canfield Drive, do you recognize that as being streets and buildings that will be Canfield Green Apartment Complex?

A Yes, uh-huh.

Q Okay. And, sir, do you remember August 9th of this year, which was a Saturday?

A Yes, uh-huh.

Q And earlier that morning, did anything special happen?

A Yes.

Q Prior to what you ended up seeing that you are here for today, prior to the shooting, did anything unusual or special happen in the morning?

A Before the shooting?

Q Right.

A Uh, well, nothing. I was on my way to work and I had to come back and get it.

Q Okay. So you ?

A Uh-huh, yeah.

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Q And so you said you were leaving for work?

A Right.

Q Do you remember about what time of day it was that you were leaving for work?

A I don't know exactly what time, but it was in the morning.

Q And do you recall this being a Saturday?

A As far as I can remember, yes.

Q Was it light outside?

A Yes, it was light.

Q Okay. And how was it that you were leaving for work?

A

I turned around to come back the Canfield Apartments.

Q So you were all the way to and then you had to return around and come back to the Canfield Apartments?

A Uh-huh.

Q When you were coming back to the apartments, when you got to the apartment complex, were you coming from West Florissant or were you coming the back way?

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A No, I was coming from West Florissant.

Q Okay. If this is West Florissant over here, and I'm motioning to the left of the map.

A Right.

Q You can't see West Florissant on this map.

A Right, okay.

Q You came in from this direction?

A Right, right.

Q What kind do you have, at least back then, what were you driving?

A A .

Q Okay. And is this a ?

A Right, it is a .

Q Does it have anything on ?

A It has a .

Q And what about, is it a four-door or two-door, ?

A It is

Q And about what year is it?

A .

Q And so when you were coming back to the Canfield Green Apartments, were you driving that ?

A Yeah.

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Q And you were driving this direction on Canfield Drive? (indicating)

A Right.

Q Okay. Now, right here in front of you is a laser pointer.

A Uh-huh.

Q And there's a little gray button right there. So if you press it, you can use that to show on the map.

So as you were, let me ask you this, were you with somebody in your ?

A Yes, one of the guys that work with me.

Q Is this guy somebody that is a friend of yours?

A Well, I call him a friend. I help him out a lot.

Q Do you know his name?

A , he goes by. I never question him too much, he never likes me getting into his business too much.

Q You call him ?

A Right.

Q And he's

A

Q And you've worked with him though?

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A Yeah, I've worked with him several times.

Q So was he going to work with you that day?

A Yes, uh-huh, right.

Q Do you know is he African-American or is he Caucasian?

A African-American.

Q Okay. So is just a name you call him?

A Right, uh-huh.

Q So as you entered, were coming into the Canfield Green Apartment Complex, did you see anything unusual?

A Yes, when we got turned into Canfield, coming up Canfield, all of the sudden, I call it a truck, but it is like a van, more like a van, you know what I'm saying? And it is parked kind across the street and there is a car in front of us, okay. And we saw the police and a young man struggling.

Q Okay. So let me stop you. Use that pointer and show me was the police car on Canfield Drive on this main street?

A Yeah, it was headed back towards West Florissant. It is on this street. If this is West Florissant, it is on this street here. I can't think of exactly whereabout in there, but somewhere.

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But anyway, his car was headed back towards West Florissant.

Q Okay.

A The police car was. There was one car right in front of me when I was there. My car there, I'm just not saying definitely this is the spot. My car there and another car right there and the police car right there headed back that way. (indicating)

Q Okay. So he was, you were facing the police car?

A Right.

Q And his police car was facing you?

A I'm sorry, say that again?

Q Was the police car then facing?

A Right, right, right, like coming back toward West Florissant.

Q Okay. Now, was this a marked police car?

A It had police on it, Ferguson Police.

Q You could tell by looking at it, it was a police car?

A Yeah, uh-huh.

Q And did it have like a light bar on it, do you remember?

A Yeah, yeah, it was one of the regular

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police cars of Ferguson, like the van thing like. You know, it looked like a SUV or something like that. I'm not for sure.

Q Were the lights on the car going, like the red and blue lights, do you recall them being on?

A No, I don't, I don't recall that.

Q Okay. So was that police car when you first saw it, was it moving or was it standing still?

A It was sitting still, but it was kind of like across the street so nobody can really get by, you know what I'm saying?

Q Okay. So did you have to stop your car?

A Yes, yes, we had to stop.

Q And the car in front of you, was it stopped also?

A Yes, it was stopped.

Q Do you remember anything about the car in front of you?

A It was white and he turned around and then I remember, I had to be close to one of those exits there, one of those because I turned around in one of those exits and went back out. And then I came around to the back part and came in off of Chambers, I came in off of Chambers back there.

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Q So we'll get to that part. That happens in a little bit, right?

A Right, uh-huh.

Q So you don't turn around immediately?

A No, no, I don't turn around immediately.

Q Okay. So there is a white car in front of you?

A Uh-huh.

Q And could you see the people in the white car, people or person?

A I wasn't really paying attention to them, you know, I don't remember seeing them. I was looking at the police truck really.

Q What did you see at the police truck?

A Well, the police and the young man, they were struggling. The young man was standing outside the window and the police inside the window. And he had ahold of the young man, and the young man had ahold of him, and they are struggling with one another.

Q Okay. So could you see the police officer inside the truck?

A I could see him, but not clearly, you know, I could see him.

Q And how many police officers were inside

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the truck?

A As far as I could tell, one.

Q Now you say there was a young man standing outside the truck?

A Yeah, uh-huh.

Q Was he the only other person you saw outside or around the truck?

A Yes, he was the only person that I really saw, you know, by the police.

Q Can you describe anything about the man that was standing outside the truck?

A Uh, as far as I could tell he was a young man, tall, you know, and like I say, at the time, you know, like I couldn't really see him clearly, you know what I'm saying? I could see he was a black young male standing there. I turned to Mr. , I said, man, you see this, we've got to get out of here.

We didn't leave immediately, you know what I'm saying? I didn't want to get blocked in. I had an appointment to be at, you know what I'm saying?

Q Okay. Now, when you say that they were struggling.

A Uh-huh.

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Q And you said he had ahold of the officer's shirt and the officer had ahold of his shirt?

A Right, uh-huh.

Q Okay. Was the officer sitting in the driver's seat of the police car?

A Yeah, uh-huh.

Q All right. And as best you could tell, was the police officer' window down?

A Yeah, uh-huh.

Q So each one is reaching through the window?

A Right, uh-huh.

Q Did you see anything else going on in this struggle?

A The next thing I heard was a shot, pow, and then the young man took off running.

Q When they were struggling, did you see anybody, either one of them punching or hitting the other one?

A It looked like, looked like they were going at it because I could see the young man, you know, I could see him hitting at the policeman and the policeman, you know, as far as I could tell was going like this. And it looked like he was going for his gun, you know what I'm saying? So I was

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like.

Q Okay. So when you say it looked like he was going --

A I say looked like it, I'm not for sure, I'm not for sure.

Q Sure. And that's what we want to make sure you describe why you think that.

A Right.

Q What was he doing that made you think --

A Because like when he leaned over like this, I see his right hand disappear, you know, and when we heard the shot, that's when I said, hey, it is time for me to go. You know, I turned around, like I said, one of those driveways down there it is to the left, because I was headed on West Florissant is from behind.

I was going up this way, I turned around in one of them driveways. I see people standing out and stuff like that. And then I backed out and I headed out. As I was leaving, I heard three more shots as I was leaving. I didn't see them, I heard three more shots as I was leaving. (indicating)

Q Let's go back to the point where you are still on the street.

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A Right.
Q Did you ever get out of your car?
A Oh, no.
Q Okay. So you're still, yes.
It is really helpful, there is a lot of he, he went for his gun, if we could use the officer's name, as we know now Michael Brown, it would really help.
A I'm sorry, I couldn't hear a word.
If you could, maybe you can report it better.
MS. ALIZADEH: Okay. You know what, what I'm kind of letting him do is to kind of let him narrate what happened and then I'm going to go back hopefully and clarify when he says this, who are you are talking about.
Thanks.
MS. ALIZADEH: If I don't make it clear to anybody, please raise your hand and ask.
Q (By Ms. Alizadeh) So, sir, what the was referring to when you say he did this and he did that and he did this and he did that.
A Uh-huh.
Q We don't know which he you are talking about.

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A Okay.
Q So the police officer was a man, correct?
A Right.
Q And the guy outside the truck, he was also a man?
A Right.
Q Did you know, when you saw the man at the truck.
A Uh-huh.
Q Outside the truck?
A Right.
Q Had you ever seen him before that day?
A No, I haven't.
Q Was he white or African-American?
A African-American.
Q Could you tell whether the officer was white or African-American?
A He's white.
Q Okay. So do you now know that the guy outside the truck, do you know what his name is?
A Yes, uh-huh.
Q What do you know now his name was?
A Michael Brown.
Q Let's use his name, even though you didn't know him back then.

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A All right.

Q And that way we will know, we will be clear on who is doing what. Had you ever seen that police officer before?

A No, I haven't.

Q Do you know any Ferguson police officers?

A No, I don't.

Q Do you know that officer's name now?

A No, I still don't know his name. I heard it on TV, like I say, it don't stick with me, you know.

Q So for now let's call him the police officer?

A All right.

Q And then we will talk about the other man being Michael Brown, okay?

A Uh-huh.

Q So when you say, let's go back then just to clarify. Michael Brown had his hand on the shirt of the officer?

A Yes.

Q And the officer had his hands on Michael Brown's shirt?

A As far as I could tell, looks like both of them had ahold of each other.

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Q Okay. And you describe somebody is punching or doing punching motions, which one was doing the punching or both?

A I saw Michael punching a couple times through the window, I would say a few times.

Q Okay. And did you ever see the officer punching Michael?

A No. It seemed like, first when hitting and stuff and the officer hand disappeared, I saw the officer hand disappear and I heard a shot, that was it.

Q Okay. About how long from the time you came around here to see the officer, when you came around and first saw the truck, was Michael Brown already at the driver's --

A He was already there at the truck. They was right in the middle of the street.

Q Okay. When you first saw them, were they already struggling?

A Yes, uh-huh.

Q So for the time you first saw them until you heard the gunshot.

A Uh-huh.

Q How long did you see that struggle?

A To me it look like they struggle before

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the officer got his hand on his gun. They struggle probably about, I don't know what, as far as I could see two or three minutes, I say two or three minutes.

Q Okay. And from what you could see.

A Uh-huh.

Q And I'm asking you to give me an assumption, and if you can't, then say I couldn't really tell you.

A Okay, all right.

Q Did it look like one person was winning the struggle or one person had the advantage in the struggle or was it even?

A I really can't answer that because like it was happening so fast. And like I told you, you know, if I can't tell the story right away, sometimes I forget things, you know, so I don't want to put that, but as far as I could tell, you know, like Michael hit him a few times. He had ahold of Mike real close through the window and the officer, both of them struggle to hit one another.

And I see Michael hit him a couple times and then all of the sudden I see the officer lean over, one of his hands disappear and then the guy I was with , I heard a shot, pow, and Mike

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Brown took off running.

Q Did you ever see the officer's gun when you heard that pow?

A I didn't see it when I heard the pow, I heard the gun once the officer got out of the truck.

Q Okay. So when you heard the pow, you didn't see the gun outside the car?

A No, no, no, no, I didn't see it outside the car. All I heard was a pow. I was in the midst of getting out of there then.

Q Okay. And when you heard the pow, is that when you're like, okay, I got to get out of here?

A Oh, yeah, I said it was time to go. As soon as we got room enough to turn around, we left.

Q But you saw some things before you got turned around?

A Before I got turned around, yes.

Q So let's go back now. From the time of the pow, the gunshot. Did you recognize that as a gunshot, had you ever heard a gunshot before?

A Oh, yes, yes, I recognize the gunshot.

Q Okay. You just heard the one at that point?

A At that point in time, yeah.

Q And so what did Michael Brown do when you

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heard pow?

A He took off running, and then the officer got out of his truck and the officer had his gun down to his side like that. Looked like the officer was reaching up to his thing he had on his shirt that he talked through, and then the kid ran a piece off. And he stopped, he was behind a car, looked like he had both of his hands on the car. (indicating)

Q When you say he, are you talking --

A Michael Brown.

Q Okay.

A And then the officer was coming towards him and then look like Michael Brown started coming back towards the officer, right. And then that's the last I saw of him, right. And then I was turned around like this, I was backing out, turned around, I seen it was clear, I took off. I heard three more shots right before I started forward, like pow, pow, pow, like that. And that was the last that I saw until I heard the rest on the news.

Q Okay. So let's go back then from the time that you saw Michael Brown start to run away, which direction was he running?

A He was coming back this way. Michael

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Brown, say if the police car was sitting right there, he was coming back this way and then there was another car sitting like here or something, I'm not for sure, but that's where he stopped at. And I said to myself in my head, you know, I think that kid probably got hit, man. (indicating)

Q Hit, what do you mean hit, by a car?

A Got shot, got shot.

Q Got shot. Okay. When you say, man, that kid probably got hit?

A Right.

Q You mean Michael Brown?

A I mean Michael Brown.

Q Okay. So let's go step by step here. So when you saw Michael Brown turn, run away from the police car.

A Uh-huh.

Q Did he stay in the street or did he run to a building?

A Right in the middle of the street.

Q Running down the middle of the street?

A Right.

Q You said saw the officer get out of his car?

A Yeah.

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Q Did the officer get out of his car right away or was there a few moments before he got out or do you recall?

A As far as I can recall, after Michael Brown took off running, the officer got out of his car. It was pretty quick, you know what I'm saying? I couldn't say he sit there a long time, it was pretty quick he got out of his car.

Q Okay. I'm just guessing, you tell me if I'm wrong. So if Michael Brown started running.

A Right.

Q By the time the officer got out of his car, Michael Brown had a little bit of a head start?

A He wasn't that far away from him as far as I could remember. Michael Brown probably run about two and a half car lengths or maybe three, something like that.

Q Okay. And so you said the officer had his gun when he got out of the car?

A Yes, uh-huh.

Q Where was his gun, in his hand?

A Yeah, he had it in his hand down by the side.

Q All right. And you used your right hand, do you recall it being his right hand?

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A As far as I can tell. When he got out of the door, he's in front of me and he had the gun down to the side of his leg like this, and you know, watching which way they run and he started to chase Michael Brown too. (indicating)

Q Okay. So when you say he started to chase Michael Brown.

A Uh-huh.

Q Let's clarify also. Was Michael Brown running, was he walking?

A He was running. And then it looked like he couldn't go no further, he stopped and put his hand on the back of the car. And I recall that car was brown or gold or something like that, as far as I can recall.

It looked like Michael Brown, when he's coming toward Michael Brown, Michael Brown took his hands off the car and was coming towards the officer.

Q Okay. So when you saw Michael Brown running away.

A Uh-huh.

Q Could you tell if he had been shot? Could you see anything?

A I couldn't tell if he had been shot.

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That's when I said, well, he must have got hit because that's all the further he ran. I know if somebody shot at me, I would run further than that.

Q Sure.

A You know what I'm saying?

Q So you only are guessing that he might have been hit because he didn't keep running?

A Right, he might have been hit from the first shot in the car.

Q So from the time the officer got out of his car, and you said he chased Michael Brown, so describe how he was moving, was he running, was he walking?

A The officer?

Q Yes.

A The officer, can I stand up?

Q Yeah.

A The officer kind of got out of the car, he is doing this over here, looks like he was talking through his thing and Michael Brown was running probably from here to that young lady there. And he's coming behind him and look like Michael Brown just got tired all at once or couldn't run no further, put his hand on the back of the car.

And then the police still coming at

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him, he took his hand off the car and was walking towards the police, I guess, it was walking or running, I'm not sure, but he was coming towards the officer and that's the last I saw.

Q Okay. When you saw the officer, you said you saw him chasing Michael Brown, but what you did was kind of like, I'm doing this? (indicating)

A It was a trot.

Q A trot?

A Yeah, a trot.

Q So you describe that as a trot?

A Right, uh-huh.

Q He had his gun down at his side.

A Right.

Q Did you ever see him once he got out of the car, did you ever see the officer point his gun at Michael Brown or in Michael Brown's direction?

A Not after he got out of the car.

Q You never saw that?

A I never saw that.

Q Okay. Did you ever hear the officer say anything?

A I wasn't close enough to hear.

Q What about Michael Brown, did you ever hear him say anything?

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A No, I couldn't hear him say anything.
Q How about at the truck, could you hear yelling cursing --
A No, I couldn't hear nothing.
Q When you saw Michael Brown, you said he ran a good piece or a piece, and then he stopped and he put his hands on the back of the car?
A Uh-huh.
Q Was this a car that was in the roadway?
A Yes, it was parked back towards West Florissant the car was.
Q Okay. Did it appear that it was parked out in the street?
A It was stopped like somebody stayed there.
Q Like somebody else who had to stop?
A No, there was no one in that car, I remember that.
Q Okay. You didn't see anyone?
A I didn't see anyone in that car.
Q Let's be clear on this. Could you see inside the car and say no one was in it?
A It was clear. Usually you see a shadow. I was further enough away from the car if someone was sitting in there, I probably could have seen a shadow. I didn't even see an shadow from someone

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sitting in it. So I can't say 100 percent there was someone in there or not.

Q So you didn't see anybody in that car?

A No, I didn't see anybody in that car.

Q You think it was a brown or gold car?

A Right, it was a brown or yellow car.

Q Was it regular car or was it a SUV or a van?

A It look something like a Mercury, you know, like one of the older Mercuries. I'm not for sure it is even a Mercury or not, maybe a Ford. It was something on this side of the street headed this way. (indicating)

Q Okay. And so, and the way you described it that he put, Michael Brown put both of his hands on the back of that car?

A Right, right, uh-huh.

Q Now, we know Michael Brown was a tall guy, big guy?

A Right.

Q When you say the back of the car, was it like on the trunk area?

A Right, it was on the trunk.

Q So was he leaned over at all?

A Right, right, he had his hands on the

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trunk. (indicating)

Q All right. And so how long in seconds or minutes, if it was minutes, did he stay there, Michael Brown, stay there with his hands on the trunk of that car?

A As far as I know maybe a minute and a half, two minutes maybe.

Q When he was staying there with his hands on the trunk of the car, did the officer continue to move toward him?

A The officer continued towards him.

Q Was the officer firing his weapon as he was moving towards him?

A No, I didn't see him fire.

Q And then you said at some point you see Michael Brown walk towards the officer or come towards the officer?

A Right.

Q So can you describe how he was coming, running, walking, trotting, staggering, stumbling?

A He was walking towards the officer, but it wasn't trotting. Can I get up?

Q Sure.

A Say he was the officer, and he has got his hands like that, so the officer started coming

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toward him, so he got off the trunk and he was coming towards the officer like that. (indicating)

Q Okay. So when he was, had his hands on the trunk.

A Uh-huh.

Q Was he totally behind the car?

A Yeah, yeah, he's behind the car. But the right on the edge. Say this is the car there and that's West Florissant over there, he was like on this side, you know what I'm saying? That side was toward the curb and he didn't have to walk too far around the car.

Q So when he had his hands on the trunk, would he had been facing the officer at that point?

A Yes.

Q So when he was running away, at some point then he had to turn to get behind that car and put his hands on the car?

A Excuse me, as he's running away, looked like he got tired, and he did like that. He just got turned like that. (indicating)

Q After a minute or two, or whatever, you said he had his hands on the back of the car?

A Uh-huh.

Q On the trunk of the car, did he then stand

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back up and come towards the officer?

A He never did go down. He was just standing behind the car. The officer --

Q I stand back up, that was my choice of words, that was wrong. I meant, you know, you talked about he was leaning over a little bit.

A Yeah.

Q So did he come back up standing upright and then move towards the officer or did he stay in that leaning position?

A He wasn't bent over coming towards the officer, as far as I could tell. That's about the last I saw of him.

Q Okay. When he was coming toward the officer, and I know you're in the process at this point of thinking, how can I get out of here, right?

A Oh, yeah.

Q And there was a car in front of you and you were worried about hitting that car, right?

A Right, uh-huh, right. Before I turned around, as the car was turning around, I was turning around, you know what I'm saying?

And I seen a bunch of people out there and I was backing out and was telling me, come on back. And, you know, I came on back and

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I turned around. By the time I got back to West Florissant, there was a bunch of other officers car coming.

Q Okay. So was there a car behind your truck?

A Oh, yeah, there was a car behind me, but they wasn't right up on me, you know what I'm saying?

Q So when you saw Michael Brown coming towards the officer, how were Michael Brown's hands?

A As far as I can tell, you know, after he got out of the car, the last I saw him, that's the last I saw him. (indicating)

Q And at that point, at some point towards the end of this, though, are you looking at cars so that you could try to back up?

A Yeah, because I made one turn. I make that one turn up in here, I backed out and then I head on out.

Q Okay.

A I never looked back after that. But after I was backing out, I heard pow, pow, pow, I took off.

Q So you heard another round of gunfire?

A Uh-huh.

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Q Were you still on Canfield Drive?

A I was still on Canfield Drive, right.

Q And so when you saw Michael Brown walking toward the officer, can you give me a guess or estimate as to how many steps he took or how far he walked?

A As far as I can tell it looked like two or three steps to me, you know, something like that.

Q And then you took your eyes off of what was going on?

A Yes, yes, ma'am.

Q So whatever happened after that you didn't see it?

A Right, no. All I heard, when the police officer coming, most of them, say if this was to turn, I backed out and I turned and I was headed that way. By the time I got up in there, all I heard was pow, pow, pow.

Q So were you, when you heard pow, pow, pow, this round of gunfire?

A Right.

Q Were you already facing --

A Yes. And the gentleman with me that I call , he was looking back, you know. He said, I think he just shot him again, you know what I'm

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saying? I was watching traffic and trying not too run into the policemen coming.

Q Okay. So the last time you saw Michael Brown he was still walking?

A Right, he was still walking.

Q He wasn't on the ground?

A No, he wasn't on the ground.

Q Okay. And you heard a series of shots, pow, pow, pow?

A Something told me like, to me it sounded like three.

Q Okay.

A It sounded like three to me.

Q Did you ever hear any more shots after that?

A No, after the three, I was almost at the curb. I was West Florissant again, I was trying to turn right to come in the back. Police cars was coming with their sirens and stuff on, you know.

Q Okay. Number 34, do you remember seeing another young African-American guy at or near those cars that you described?

A I can't remember if there was somebody else there or not, you know. Only somebody I seen, I can't really remember.

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Q Okay. Do you remember that when you, and you remember September 3rd, so it was over a month ago, but you remember on September 3rd, or thereabouts, going and talking to a FBI agent and an attorney named ?

A Right, right, right.

Q Do you remember telling them back then, and I told you I was going to have a transcript of your statement.

A Right.

Q But to be fair, you haven't heard your statement?

A No.

Q Since you gave it, right?

A No, I haven't.

Q You know they recorded it right?

A Yes.

Q But you haven't had an opportunity to listen to it?

A No, I haven't.

Q You haven't got a copy of the transcript?

A No.

Q But I told you I was going to maybe talk about this if there were things that you didn't remember?

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A Right.

Q So when you say these things, you know, you have to tell me if you remember saying this.

A Right, okay.

Q So do you remember on page seven, and I will give you a copy that doesn't have my highlight on it. So here is a copy of your transcript so you see your name right there.

A Right.

Q And that's your attorney's name?

A Right.

Q So I'm just going to take you to about page seven.

A Uh-huh.

Q And I don't say this to embarrass you, can you read, okay?

A No.

Q Okay. You want me to go ahead and read it for you?

A Yes, please do.

Q Okay. So on page seven, do you remember the county police officer's name, Detective , do you remember that at all, ?

A No, I don't remember his name. I remember him coming to me.

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Q Okay. So do you remember up at the top and saying, okay. How many people did you see outside the car?

And then you say, outside the car?

And he says, uh-huh.

And you say, there was just him and there was another black guy standing back behind the police car.

A If I said it, you know, like it is true. But like I say, you know, I do have a problem with my memory sometimes like I say, let me go too long, I can't tell you what I ate for breakfast this morning.

Q And that's me to.

A Yeah, uh-huh.

Q Remember I said I'm only using this to see if you remember saying that.

A Okay, uh-huh.

Q Now, and you're saying, hey, if I said it, I said it, I believe you, right?

A Right, right, I believe you, right.

Q But what I'm saying is that me saying that, does that remind you of it?

A All right. Well, as far as I can tell, really, I can't recall the other black guy. But

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like I said, the gentleman with me, he told me, you know, me and him, you know, we had talked about it.

Q Okay.

A And he said, yeah, there was one black guy that was standing back there by the car also, you know what I'm saying?

Q Okay.

A If I said it to them like at that time, you know, that's what I said.

Q Okay. So when you spoke to the federal agents and the county detective back on September 3rd. At that time were you telling them as best you could what you remember from that day?

A As best I could, right.

Q So did you, were you truthful about everything as best you could?

A I was truthful about everything that I remember, that I could remember.

Q All right. And so after you and got out of there, where did you go?

A Uh, I came back around and I came into the back of the Canfield Apartment, came back up to Chambers, I came back up West Florissant to Chambers, took a right on Chambers and I went down right there by the fire station, I think it is Green

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or something like that you come in, I'm not for sure. I think the name of the street is Green.

I came into the back of the Canfield Apartment, back there where they have that gate, they have a gate back there like a railroad crossing, you know, I came through that.

Q So it is blocked, there is a gate?

A It was open that day.

Q Okay.

A So I came through there. I went on back around to the

Then left, coming up there to see, you know, how people come to see what's happening, you know. I went back, went out the same way I came in and went on to work.

Q So when you left, you left out west?

A Coming back toward West Florissant.

Q And then you somehow?

A Took a right on West Florissant and took a right on Chambers and then I came into the back of Canfield.

Q Okay.

A There's only two way in there that I know of from right there and from the back side.

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Q And in the complex here?

A Right, right, uh-huh.

Q Can you use the pointer and tell me do you know what building they live in?

A No, but outside. could tell you what street.

Q All right.

A I can't tell you what the name of the street, I'm not that good really.

Q Do you know is it a building that is on this side?

A Well,

Q This side?

A Say like coming up here and there is a

I come around here, where is the office. Do you have the office on here?

Q I don't know.

A There is an somewhere, but I come to a stop and then, and either this is it, I'm not for sure which one you have to come down and go into the back like that. (indicating)

Q When you came back into the Canfield Green Apartment Complex, did you ever seem Michael Brown

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again?

A No.

Q You didn't see his body in the street or anything when you came back?

A No, no.

Q From where you were?

A I wasn't on this street any more where him and the officer were. I never did come back to that street until afterwards, maybe the next day or something, you know. I seen where they had the flowers and stuff like that out there.

Q But that day when you came back and went to your ?

A Right.

Q From you could not see this?

A No, huh-uh. You couldn't even get back in there no more, I just use the back way, I always use the back way.

Q Did you ever see that police officer again?

A No, I never saw him again.

Q Now, when you said that when you got out of there, you saw officers coming into the complex?

A Right, uh-huh.

Q But the whole time you watch what was

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going on between Michael Brown and the officer, was he the only officer there?

A Yeah.

Q Okay. And then, so you say you went to

A Yeah, right.

Q And did you then walk down to this area at all?

A No, not at all.

Q Okay. So --

A So that was that evening I had went to work for about two or three hours and I came back.

Q All right. Now, so you know that there were a bunch of police down here later after the shooting?

A Oh, yeah, I seen them coming in and passing me. As I was making it to Chambers, police started coming, you know.

Q But you didn't tell the police, you didn't stick around that day to tell them what you saw?

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A No, I didn't stick around to tell nobody nothing.

Q Why not?

A Number one, you know, like I figure, you know, like I already been in trouble with the police, right.

.

, he, what you call that, when they let you go, what they call that.

Q You did your sentence?

A He said I didn't do the crime, okay. And they figure me no way in that case, you know what I'm saying?

Q Okay.

A I kept telling them that. When I came to talk to officers like I'm talking to you now, try to tell them. Then they just throw me right now, just because I wouldn't testify against people, you know what I'm saying?

Q So --

A I did that I will never get back, you know what I'm saying?

Q So do you have a general distrust of

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police officers?

A Yes, I do.

Q So you don't like to be --

A I don't like them. I know we can't live without the police, okay, because this world would be messed up, you know. You turn the TV on all the time people killing people every day, but I don't like it when they make a mistake like that and don't try, you know, to straighten them out.

If someone is telling you over and over, hey, I didn't do it. At least take the time, you know, try to see what's going on, you know what I'm saying?

Like I say, I don't want to see Michael Brown's family, I don't know how to say this, I don't want to see nobody hurt. I'm the type of person, I don't believe in convicting nobody. I don't believe in accusing nobody of nothing, I don't really know, you know, what I'm saying. I just don't like hurting people.

Q So that day you didn't go talk to the police, but at some point you were talking to federal authorities and a county detective on September 3rd, how did that come about?

A They came to my house, they came to my

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house and because, I guess, they seen the or they heard somebody saying that I told I know something or something, I don't know, but anyway, but Wednesday they showed me a picture of my

They got my , which is my , but I drive it. They went to my and they talked to As far as I can tell, he told them He told them my name and stuff so they start looking me up. I used to live on , I moved off , I moved to a different street and now, you know.

Q I don't want you to stay where you live, okay?

A Right, right.

Q So you're saying that basically the police found you?

A Right, right.

Q It was because of your ?

A Right, right, and then I went to talk to them then because I didn't want to get involved and they gave me a subpoena to come down there to talk to them. The subpoena, I guess, like you sent me,

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you know what I'm saying? So I called my lawyer and asked him, you know, could they do that, you know. I said, man, I'm here to mind my own business just trying to enjoy my life, you know what I'm saying? I want to live what I got left. He said, yes, you got to go, he said instead of going, he called the officer and I don't know if he called the officer or the officer called them so he could meet with them. So we met with them and talked to them and then I didn't have to go to this thing here, right. So we met them the day before or two days before, I'm not for sure.

Q Let's go back just to clarify. You actually were given a subpoena to testify in a but a different one?

A Right, right, right, not this one.

Q And that's because the police somehow found you because of your ?

A Right, that's what I'm figuring.

Q And that's what they told you, they showed you a picture of your and said this is your

A Yeah.

Q And you said, yeah?

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A Yeah, I was driving.

Q And here is the subpoena?

A Right. They want something that I didn't really care for, they said, you come down here of your own free will. No, I didn't come on my own free will, I came because you told me I had to, you know what I'm saying?

Q So once you got the subpoena, you talked to your attorney and your attorney arranged for you to come in and be interviewed?

A He said he would be there with me because like, like you say, I don't trust the police to sit there and talk to them. There's some type of way, you know, I don't use all my words right like most people, but, you know, like they take what I say and twist it towards me, you know, like ever since then, I just haven't been comfortable.

Q Okay. So that's how you ended up making a statement to federal agents is because your attorney worked it out that you could come in and be interviewed rather than testify, right?

A That's right.

Q And now you know that I had you served with a subpoena to come here today, right?

A Okay, uh-huh.

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Q And so when you say you're here of your own free will, you are only here because I subpoenaed you?

A Right, correct.

Q Are you telling the truth today?

A Yes, yes, you know, like I said, you know, I've been called a lot of names, but lying isn't one of them.

Q I told you are not in any trouble?

A Right, right.

Q We want you to tell us what you saw, right?

A Right, right.

Q Have I treated you fairly?

A Oh, yes, you know, right, but do you believe me when I say I just want to be left alone and just live my life, you know, treat everybody nice, go to church every now and then. I just want, that's all I want, you know.

Q I think a lot of people would have really rather not have been involved in this?

A Yeah, you know.

Q But here we are, right?

A Yeah, you know.

MS. ALIZADEH: I don't have any further

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questions and I told you Sheila may have some questions.

A Right, uh-huh, okay.

MS. WHIRLEY: Okay. Number 34, using that map, when you heard the first shot at the car. First of all, do you have a good idea looking at this map where you were when you heard that first shot?

A Map, I can't really be sure, but it was somewhere. I figure it was somewhere in between here and here. (indicating)

Q (By Ms. Whirley) The car was here?

A I can't say definitely, you know what I'm saying? But it was somewhere between there I was, you know what I'm saying?

Q Can you say in car lengths how far away you were?

A Yeah, from the police, about from I say --

Q About how many car lengths would you say?

A One car was in front of me, I say about two, three car lengths.

Q Okay. From the police car?

A Right, uh-huh.

Q You didn't see the beginning of the tussle is my understanding?

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A No, ma'am.
Q How is your eyesight?
A Well, it is not good.
Q What do you mean?
A I wear glasses, but I lost my glasses and I can't afford any more right now so, but during the time they had me they gave me some free ones. I accidentally broke them once doing work. And the government, I got some free ones, they won't help me get no more until a certain length of time.
Q When you say it is not good, what do you need glasses for?
A I'm kind of like farsighted you know what I'm saying? Like something close up I can see pretty good, but something a distance off.
Q So when you're looking at longer distances you don't see well?
A No, no, I don't.
Q All right. How about your hearing?
A Hearing is not good at all.
Q What do you mean?
A I mean, I've been having problems with my ear for the longest, you know. Like the gentleman there right here, I guess, was saying something, I

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could hear him mumbling, but I couldn't hear him, you know what I'm saying? Sounds like he was mumbling, I'm not say he was mumbling, you know what I'm trying to say?

Q You can hear me pretty well I can tell?

A I can hear you very well.

Q And you mention your memory, tell us what problems do you have with your memory?

A Well, you know, , my and God knows I pray I don't have it. I forgets a lot of things. I just told you, my , I'm with my tells me I just told you, you know, like that. And some of the for, I had to go back to them like a few times and asked them is this what you said you wanted. I think they may have told me.

Q You say you have a family history of ?

A Yes, I do.

Q You have problems with your memory now?

A Yes, uh-huh. I have a doctor appointment for the that was the earliest he could get me in there. I'm on different medications.

Q Are the medications for your memory?

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A No, not yet, but I have seen a before and now they're sending me to, I guess, you call it a memory doctor, you know. I'm supposed to meet with them on the that I can think of.

Q Were you having memory problems back in August, when did your memory problems start, is the question?

A Oh, it has been before then. It has been with me for a while, you know what I'm saying? Off and on.

Q Okay. You take, you do or you don't take medicine for it?

A No, not for the memory yet.

Q Okay.

A I take medicine for those migraines I have like every morning, I mean.

Q Okay. At some point it sounded like you said it appeared that Michael Brown was injured when he, you know, ran and then stopped at the car. What made you think he was injured?

A Because like anybody, I know I was a young man once before myself. I know if I got shot at by anybody, police or anybody, I would have ran farther than that, you know what I'm saying?

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Q Right. Was there anything physically that he was doing that made you think he was shot?

A It looked like he was kind of out of breath or something, you know, or just couldn't go no further to me.

Q Okay. And that was the reason why you thought he was injured?

A Right, uh-huh.

Q Okay. When you said that, let's go back to the car when they were tussling at the car and you saw the officer with one hand trying to, I guess.

A I don't know what he was trying to do, but I know both of them had ahold of one another's shirt.

Q I want to go to the part where you said that the officer, you could see him as if he was going for his gun?

A I saw him like this, I seen him lean over like this, right, and next thing I heard was a shot, pow. (indicating)

Q Okay. Let me ask you a question. When you saw him leaning as if he was getting a gun right before you heard that shot, could you see Michael Brown's hands?

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A Yes, you know, he was outside the window, you know, looked like he was -- was staring at the officer too.

Q Were both his hands outside the windows?

A No, looks like one of them trying to hit the officer.

Q He was hitting the officer?

A Looks like he was trying to hit him, okay, right. But to me the officer was like this and the officer went like this, there wasn't no time I heard pow. (indicating)

Q Okay. So the officer went like, the officer -- Michael Brown's hands and the officer's hands are kind of at each other?

A Right, uh-huh.

Q And then the officer goes like towards the gun?

A He leans inside.

Q Let me finish that question. He appears he goes to get his gun?

A Uh-huh.

Q You don't see Michael Brown inside the car going like to the gun too?

A No, I didn't see that, no.

Q Okay.

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A As far as I can remember I didn't see that.

Q All right. You mention, I thought you said, I'm not sure that you did, you for something you didn't do?

A Right.

Q What was that, what was the crime?

A They

, okay, but I was somebody walking around every day without a car and without good clothes to wear. How I had all of that, you now what I'm saying?

Q And you said you had been in trouble with the police, do you have any convictions?

A Yes, I do.

Q What do you have?

A I have a drug conviction also.

Q A drug conviction that you were guilty of?

A Yeah, I was guilty of that one, yeah, uh-huh.

Q Anything else?

A Well, I had, I had some other things that come through life, as I was coming to life, me and this guy got into it. They got me for firing a

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weapon at this guy, like this guy had threatened my life, okay.

Q Okay.

A That was back in the day, that was back in the early, late , it was late , right.

Q Anything else, any burglary or stealing?

A No, no, that was about it.

Q Okay.

A I'm sorry, I'm sorry, ma'am, yes, I did. They charged me with a burglary crime also.

Q Was that an unjust charge?

A Uh, well --

Q Did you get convicted of it?

A No, I don't think I did, but it is still on my record, it still was on my record. Now it is probably off it has been over years ago.

Q Okay. That day when you talked to the federal agents, I think it was back in September I think Kathi said. Let me see, I have September 3rd.

A Uh-huh.

Q Did they ask you was anyone with you and you said no?

A I said no at first because I didn't want to put nobody else in that, you know what I'm saying? But my lawyer stopped it. He told me, he

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said, , you know, tell them the truth. Was somebody else with you? I told my lawyer no, I don't want to put nobody else into, you know, the mess. I didn't even want to be there.

Q That's why you didn't want to tell them about that person that was with you?

A Right, uh-huh.

Q Okay. When you said that there was a shot and then Michael Brown ran and then you saw Michael Brown hesitate on the car as if he's maybe injured or something, and then he turns around and faces the officer?

A When he was on the car, he could see the officer coming. Like I say, if this is the car, that gentleman right there, the policeman coming at me with the glasses on, okay. Michael Brown, the whole car, he was on this side of the car and if the car, West Florissant down here and Canfield right like this, he is on this side of the car. And the officer was trying to come up towards Michael.

Q The officer was trotting towards Michael?

A Right, right, right, with his gun down to the side.

Q Was Michael facing the officer?

A Yes, oh, yeah, he was there, you know what

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I'm saying?

Q Okay. At this point he had turned around from running?

A Right, right.

Q So he's facing the officer and the officer is trotting towards him?

A Right, uh-huh.

Q And then Michael is then walking towards the officer?

A Right, uh-huh.

Q What I want to know is what the officer was doing when Michael was walking toward him, you said he was trotting?

A Yeah, yeah, he was coming up toward him.

Q Show us, please, I'll walk towards you.

A Right, right. You come closer.

Q Okay.

A Michael Brown like that, and Michael Brown came off the car and then by that time everybody --

Q I'm walking towards you, I want you to be the officer and show me what the officer is doing.

A All right. You know, he's like this.

Q Okay. He did not have his gun?

A He had his gun holding it right here. (indicating)

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Q He's holding it down, that's what you saw?
A Right, that's what I saw.
Q And is that the last thing you saw?
A That's the last thing I saw.
Q You didn't see Michael Brown's hands up?
A No, I didn't. Like I say, when I seen Michael Brown, he was one or two steps from the car.
Q Okay.
A As a matter of fact, when I seen him coming off the car like this, that's the last I saw of him. (indicating)
Q You didn't see Michael Brown charging the officer?
A No, no, I didn't see him charging.
Q Okay.
A As far as I can remember, I don't remember him charging. I remember he was coming off the car and when I turned around, like I said, I heard three shots and my friend was looking back. And he said, I call him my friend, but anyway oh, man, he shot him again, you know. Hey, I'm trying to watch these policemen coming in and watch the people, you see what I'm saying?
Q You didn't see if he was shooting at him when he was running away from him?

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A I heard three shots, I think it was three.

Q And again, just for clarity. From what you saw, there was no struggle for the gun, the officer just grabbed the gun and shot?

A I don't think there was a struggle for the gun that I could tell.

Q Okay. All right, questions?

: You had mentioned before when you first say, you said that the officer had the gun in his right hand?

A Yes, ma'am.

: When he's out of the vehicle?

A Right.

: He had his gun in his right hand, his hand is down by his side, by his right side.

A Right, uh-huh.

: And the gun is pointed, I guess, basically towards the ground?

A Right.

: Is that correct?

A Right.

: And then you made a motion that he spoke into his shoulder mike?

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A Right, right, uh-huh.

: Okay.

Did you see any cars lined up behind the police vehicle coming the opposite direction other than the one he put his hand on?

A To tell the truth, I really can't say I did. I don't remember. On the car I was paying attention to was the one he had his hands on. I thought the kid was hit, I thought Michael Brown was hit, you know. I told Mr. I said that kid must have got hit, you know.

MS. WHIRLEY: Anything else?

. Why do you think, a couple questions, my first question for you. When Michael Brown was walking towards the officer, how would you describe that. You showed us he was walking, how would you kind of describe, was he walking aggressively, did he seem to be charging in any sort of manner, was he just casually walking, how would you describe his movement toward the officer?

A Well, I can't say it was aggressive, but you know, what I could not understand, you know like, well, good God, after he got hit fall, he just

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fall on the ground or lay on the ground, you know, like that's what I am used to from police come up, keep your hands clear or lay down on the ground or something, you know what I'm saying?

MS. WHIRLEY: That makes me think of a question. Did you see Michael Brown ever go for, as if he was going for a weapon?

A No, I never saw that.

MS. WHIRLEY: You never saw a weapon?

A No, I never saw.

MS. WHIRLEY: Did you ever see him like reach in his pants as if he is going for a weapon?

A No, I didn't.

MS. WHIRLEY: All right.

It is about the timeframe, the amount of time that you said that this all took place. I do this too, I will say a minute or two. A minute or two is kind of long.

A Yes, uh-huh.

: So do you think that Michael Brown was behind that car holding on for a full minute or two, or do you think you were just doing that to describe, you know, like a minute is, the police officer would have plenty of time to get

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to him if it was a full minute or two?

A Right, it may have been quicker, I can't really say, but you know, I say a minute or two cause I tell you at home, I see you in a couple seconds. I know it isn't going to be a couple seconds but I say a couple seconds, you know what I'm saying?

: Right.

A I say a minute or two, that's the best of my knowledge.

: Okay. And on your recorded statement, they have asked you what was going through your mind and what was happening as you were turning around. And you said it just blows your mind. What blows your mind. And you said, it blew my mind because like I couldn't believe, you know, like this ain't happening, why are people tussling with the police, just talk to them, you know.

So do you believe that if he would have stopped and gotten on the ground, do you believe that things would have turned out differently or do you believe that it still would --

A I believe it would have turned out differently as most people, when the police stop

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you, first thing you do, put both hands out and put both of your hands on the steering wheel. When I say that, because I've been through things with police officers and by police officer telling me, you know, by me making a mistake not putting my hands up, I made a mistake, have thrown my hand back like this, and police have pulled guns on me, you know what I'm saying?

He said well, hey, keep your hands on the wheel at all times. But you know, like I said, you've some police officers are not that bad, but I have ran into some nasty police officers, you know what I'm saying? But I still don't get nasty with them, but that's my attitude.

You take these young people coming up today, you know, they're not going to take it like I took it, you know what I'm saying?

See where I come from, I mean, I couldn't even walk on the sidewalk when the police come. I had to get off the sidewalk, you know what I'm saying?

Without being asked?

A Right, right, without being asked. I just had to get off, you know what I'm saying? I couldn't understand that, but my father would tell

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me, you know, like this is what you got to do. Cause I come up in rough time, you know.

I understand, thank you. . To get some clarification on something. You had let me see, from the time that first, the shot went off, Michael is down the street, he is, hands on the back of the brown car and he's actually facing the officer still at that time, okay.

A Uh-huh

: You see him come away from the back of the car?

A Uh-huh.

: And his hands are down by his side, is that the correct stance?

A As far as I can tell, I couldn't swear on they were down by his side. It looked, you know, to me like when he took his hand, you first take your hand off the car, you know, you're standing. He took a step and that's when everything just sped up.

: Okay. And you see him at that time, he said it appeared to you that he took maybe about two or three steps forward?

A Right, uh-huh.

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: That's what you said?
A Uh-huh.
: Then you said that you want to get the heck out of Dodge?
A Right.
: You had to back your car up?
A Right.
: Do you recall when you are backing your vehicle up, this is a two-lane road?
A Right, right.
: The officer's vehicle is already obstructing the roadway.
A Right, right.
So when you're backing up, are you looking in your side view mirror, your rear view mirror, side or did you actually turn around?
A Gotcha. Let me say this before, when I backed up, , I said look to the right, what's coming to the right. I mean, I was looking to the left, right, because I couldn't hit nothing coming out the back because the back was just the sidewalk back there. So I took off ahead this way, and police hadn't made it there yet, the police hadn't made it in there until I got back to West

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Florissant, that's when the police start coming in.
Okay. So you didn't encounter the other police cars?

A When they got there, no, no, I just see them coming in past me.

Coming in past you?

A Yes, ma'am.

: And then from that point in time, when you are backing up, at what point did you hear -- you heard the three shots?

A When I backed up, I got like that, by the time I got straight, pow, pow, pow, I just kept going.

: So you are facing the other way on Canfield?

A On the last three shots. I'm facing West Florissant on the three shots, I got turned around.

: So during that particular point in time you can't honestly say, if I can word this correctly, I don't want to put words in your mouth or anything like that.

A Right, uh-huh.

: It was asked if you ever saw Michael Brown approach the officer aggressively, but you said you couldn't see that?

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A No.

: Would that be the reason why you couldn't have seen that happen?

A Oh, yeah, it could be because my back's turn, you know what I'm saying? That's the reason why I tried to get my friend whatever he saw after that to talk to the officer, you know what I'm saying? But you know for some reason, he just don't want to talk to them, you know.

I did get him to call one of the officers because the officer asked me to tell him to call him because he kept telling me to tell him to call him if I saw him. The last two times I saw him I told him, I say, man, why don't you call these people so they will leave me alone, you know what I'm saying? So he said, okay, I'll call them, give me the number. He said he called and talked to them, and even my lawyer told me that they had talked to him.

Okay. Do you know if Mr. , your passenger, do you know at the time that you're backing up, I mean, is he still looking back at the scene as to what's going on?

A Yes, yes, he had to see the rest of the scene because he was looking to the right for me

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and, you know, for me watching the street, watch the other cars as they start coming in, you know what I'm saying? He was looking back yeah, uh-huh. As far as I could tell, he was looking back like this like towards, the passenger look like that. (indicating)

All right. Thank you.

A All right.

Again, when you were leaving the scene in your vehicle you said you passed multiple police cars as they were arriving on the scene?

A Right.

: Do you recall if they had their lights and sirens on?

A Yeah, some of them did. The first one I think, I scene the second one, I'm not for sure, but he was behind the first one that had a light on and then his siren and stuff coming on down, it seemed like it was coming from the police station right there on Chambers and across West Florissant on the other side. I think that's Dellwood, I'm not for sure.

: Thank you.

MS. ALIZADEH: Just real quickly. Number

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34, I think we understand and it is pretty clear that you were not looking, you didn't see the very end of this; is that correct.

A No, ma'am, I didn't.

MS. ALIZADEH: Correct. Do you remember when you were talking to the federal officers back on September 3rd on page 15. Do you remember when they were asking you, they asked you, did it look to you like Mike was coming back to talk with the officer or did it look like Mike was coming after the officer, what did it look like to you cause you said you were scared.

Do you remember saying, you know, I, something to myself an awful lot, ma'am. Really honest to God truth, I can't say either way, but you know, if I was the officer, I would look nervous too. You coming back toward me and you just hit me, and you know what I'm saying? You know how like, you know, but, but I really can't say about that, ma'am. I'm telling you the truth, do you know what I'm saying?

Do you remember kind of describing that to them?

A Oh, yes, ma'am, I remember saying that. It is just like now, if you slap me now, you walk

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back over here again, I'm going to be ducking. I'm going to be getting out of your way, you know what I'm saying? I mean, that's just instinct, do you know what I'm saying?

If someone hit me and I see you, you know like coming out or whatever, you know, like that's the way I feel. I'm speaking for me now, you know what I'm saying?

Q Okay. So if someone had punched you and then ran away from you, but then turned around and came back in your direction, you would be a little on edge or fearful?

A Oh, yes, ma'am. If I had a gun, I probably would have shot too, really, I'm just telling you like it is, you know what I'm saying? You know like, that's just like, I would call it like, uh, violating. I'm sure if I go to punch that young fellow, he ain't going to just sit there, you know what I'm saying? He's going to get up and knock my teeth out, you know what I'm saying? So something, you know.

MS. ALIZADEH: All right, thank you.

That begs a question from me. So do you feel like it was, um, it could have possibly been self-protection

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that caused him or do you feel like it was anger that caused the police?

A Caused the police to shoot him?

Yeah. If somebody's going to hit me, I'm not going to turn --

A I never thought about it like that, I never thought about it being prejudiced or nothing like that. I feel in my heart if I was the officer and if I seen somebody coming towards me and they don't have a weapon or something, I'm going to try to shoot both your legs out first if I can hit them, you know what I'm saying? I want to make killing to be the last resort because I don't believe in killing, you know. I know if I hit you in both your legs or one of your legs, you got to go down, you know what I'm saying?

Let me ask you one more question about that.

A But I can't say for him because I don't know what's going through the police mind, you know what I'm saying?

So do you think if it was a police officer, a person of authority and somebody that was attacking the police officer, that that would have changed the whole way that the officer

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might have thought?

A I'm sorry, ma'am, I didn't catch the whole thing.

Since the police officer was of authority and that authority was being disregarded.

A Right.

Do you think that would change the way he was thinking?

A You saying if somebody else would have been at the police?

No, no, no. I'm saying since he was a police officer, do you think that would have made him more afraid of the person coming toward him was because he was a police officer?

A I don't know. But, you know, like --

Because the man had no regard, if he had no regard for his authority, would that mean --

A Right, right. You asking me do I believe the police shot him because he had the authority to shoot, is that what you're asking me?

If I think he maybe, that because of Michael Brown's disregard for his authority.

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A Oh, now I see now where you are coming from. Because Michael Brown disrespect him?

: Right.

A Okay. Well, I don't know, you know like, they do make me angry when people disrespect me, especially, you know, if you know you're right, you know what I'm saying? And then sometimes, you know, like, you can never tell what their frame of mind is in when they disrespect you, you know what I'm saying?

Like I say, if I go there and punch that man, that's disrespecting him. I don't know how his reaction is going to be. He might say, well, hey, don't do that no more. He might just jump up and lay me out, you know. So I don't know, you know. So yeah, you know. I can't say, you know, yes, ma'am.

Thank you.

MS. ALIZADEH: But just to be clear, Number 34, there were moments before that series of gunshots where you don't know what happened?

A Right, that's true, yes, ma'am.

MS. ALIZADEH: Hands up, hands down.

A Right.

MS. ALIZADEH: What his hands were doing?

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A That's true.

MS. ALIZADEH: What was happening between the two of them, you don't know?

A That's true, ma'am, right, uh-huh.

MS. ALIZADEH: Okay. Any other questions?

MS. WHIRLEY: All right.

(End of the testimony of Witness Number 34.)

MS. ALIZADEH: It is October 16th at 10:51 a.m. This is Kathi Alizadeh with the prosecutor's office, Sheila Whirley with the prosecutor's office is present, as well as all 12 grand jurors and , the court reporter, who is going to take down testimony from the witnesses.

And what's being said here next I am going to play a recorded statement from a witness, his name is , I believe. This is on Grand Jury Exhibit 24 which is a disc that I'm going to play and we have a transcript of that statement.

When I begin to play the statement, I will ask to pause the audio recording. He does not need to take down the dictation or the transcription while this is being played since we have a transcript.

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(Playing of the audio recording of the interview of is being played at this time.)

MS. ALIZADEH: All right. We just completed playing a statement on a disc labeled Grand Jury Exhibit Number 24, statement of or

Now we're going to play a statement that is contained on Grand Jury Exhibit Number 36. It is a statement of I don't have a transcript for this. And then so as soon as I get this set up, I'll have pause the audio recording, and yet I will ask that you transcribe it as best you can the conversation. There is no transcript of this and this is the audio recording of

MS. : Today is October 3rd, 2014, the time is 10:48 a.m. We are at the FBI building at 2222 Market Street. This is Special Agent , DOJ trial attorney , assistant U.S. Attorney . Attorney?

MS. :

MS. : And we're going to interview.

MR.

: All right. , we're

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here, we wanted to meet with you, we had some follow-up questions from the last interview you gave, okay. We had some specific questions we wanted to ask you about.

Keep in mind the interview is being recorded, okay, so you have to keep your voice up. I know you are kind of soft spoken.

MR. Yeah.

: When I ask you a question that calls for a yes or no answer, you have to be sure to answer out loud, okay, instead of shaking your head or nodding, okay, because the recorder wouldn't pick that up, you understand.

MR. : All right.

: Okay. Don't answer any questions that you don't understand, okay. If I ask you a question and you're not getting exactly what I'm trying to ask you, you can ask me to explain it, okay. I don't want you to answer any question you don't understand, got it?

MR. : Okay.

: And then also a lot of times, and I know in the prior interview that happened there were times where you might state some things, I will go back and restate it to you just to make

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sure I understand. If I misstate anything at any time correct me, okay, this is your statement.

If I get any detail wrong or whatever, you feel free to say no, that's not what I meant, or no that's not exactly what I said. Okay, will you do that?

MR. : Yeah.

: We're not trying to trick you or confuse you at any point. So we want to make sure that at any point you feel confused, you let us know. We just want to get out what happened, all right?

MR. All right.

: We're the prosecutors assigned to this case, okay. And I will just remind you this is a federal investigation, okay. So you've got to be sure to tell the truth here today. This is basically a blank slate. I'm not all that concerned what was said before, you just tell us what you know today, all right? You need to be sure it is the truth, you understand?

MR. : Uh-huh.

: Okay. That's basically our goal here. We're investigating the case, we are just trying to find the truth.

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Now, you came down here with your lawyer today voluntarily, right?

MR. : Yeah, she told me to come, so I'm here.

: You agreed to come down and talk to us?

MR. : Yeah.

: Okay. You have got to keep your voice up, okay?

MR. : All right.

: No one threatened you in any way or promised you anything to come down here today?

MR. No.

: All right. You are not under the effects of any drugs or alcohol today?

MR. : No.

: And I ask everybody that, don't be offended by it, I generally ask that question. Anything else that would affect your ability to be truthful today?

MR. : No.

: Okay. All right. Well, let's get down to it then here. You, can you tell me what was your relationship with Michael Brown,

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how did you know him?

MR. : He was one of my best friends. We went to high school together, he was around me every day. And come to find out, I found out he was a family member after the fact of him getting killt. (sic)

: How was he a family member?

MR. : He was one of my cousin's cousin. His little brother and his little sister's daddy got killed in about, I think about 2006. Come to find out that was my cousin.

: Okay. So you are actually a blood relative of Mike Brown.

MR. Yeah.

: But you didn't know that until after he was killed?

: I didn't know until after. After my cousin popped over there and that's when I found out that.

: Okay. But you basically saw him every day?

MR. : Yeah, he was with me every day. The day before he was being killed, he was living with me.

: Okay. How long did he live

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at your house?

MR. Just about a week. His granny was in the hospital. He didn't have nowhere else to go.

: And even before he was living at your house, you would see him every day?

MR. Yeah, every day we will go record music, play video games, everything.

: Okay.

MR. It was just like he knew all my family, I knew all his family.

: Uh-huh.

MR. : And just we were --

: You were tight?

MR. We were real, real close.

: When you see him every day, how much time did you spend together? I know every day is different.

MR. : All day.

: All day long?

MR. : Just walk to the store, come home, playing games and just being kids.

: Okay, all right. And how about Dorian Johnson, what was your relationship with Dorian?

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MR. : That's, that's like a friend of the family. I knew him and all his brothers and sisters and all that so.

: He's actually a blood cousin also, is that right, Dorian?

MR. : He's not blood, but we grew up around each other, so to me it is blood.

I thought before you described it as a blood cousin, but he was basically kind of a friend of the family?

MR. : Yeah.

: Okay, all right. Can you just tell us basically what you saw on August 9th when Michael Brown was killed?

MR. : The day of it happening, it was around 4:00 in the morning. I was on the phone with a lady friend of mine and something came over my body and I felt, I didn't feel right. I was like something was going to happen. And Mike, he's on the couch right next to me, so he just told me to go to sleep, nothing going to happen, that's all right.

So in the morning, the reason why we woke up was because my mother called and was like, she needed me to help her put my nephews in the car for her and my sister. So I was asleep at that point, I

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didn't feel like getting up. Michael Brown put my nephews in the car for me and everything.

And he can use my phone cause I told him to call his grandmother to make sure she's okay before you do anything cause he wasn't talking to her because they had a little dispute the day before. So I told him to call her and make sure --

: He had a dispute with his grandmother?

MR. Yeah, you know, just her telling, you know how it is with family.

: Do you know what the dispute was about?

MR. : No, sometimes just have, you know, families have little arguments from time to time. So I guess it was a little argument and she went to the hospital that day. So he was staying with me for that week.

: Was he staying with you because she was in the hospital or because of this dispute?

MR. Because she was in the hospital.

: Okay. Let's talk about then what happened though, what did you see on

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August 9th.

MR. Yeah, I was leading up to that. So he had put my nephews and everything in the car. He used my phone, he came back and threw me my phone. He was like, me and Dorian is going to walk to the store and we will be back. I'm like, all right, hopefully I will be up by the time you all get back from the store.

I say it was about, I say about 15, 20 minutes after they had left for, I guess they was on their way back from the store, that's when I heard the first gunshot.

: Where were you when you heard the first gunshot?

MR. I was in my room.

: Were you still in bed.

MR. : Yeah, I was still laying down. It was loud and close to where I could hear it enough to where it would wake me up like to see what was going on.

: So that first shot actually woke you up?

MR. Yeah, the first shot actually woke me up. I wasn't in no deep, deep sleep, it was enough to hear what was going on.

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: Okay. Then what happened?

MR. : I heard the first shot, and then I went to the window and what I saw was the officer had a gun drawn and Michael Brown's facing him on his knees.

: And you actually personally saw this?

MR. : Yes, I personally saw him on his knees with his hands in the air?

: Okay. And then what happened?

MR. And then I say maybe about a few seconds later, I looked and I was still looking out the window and I seen him shoot him in the head. By the time I tried to get out of the house, like by the time I hit the stairs, I heard four more shots go off.

And then I live all the way on the third floor, so I say when I first came out of the house, I heard the four gunshots and then by the time I got to the end, when I got to the end of the steps, I heard seven more shots.

: How many shots did you see?

MR. How many shots did I see?

: Right.

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MR. : I saw one.
: Okay.
MR. : But I heard multiple.
: Okay. All right. So you just saw, you heard the first shot?
MR. : I heard the first shot.
: You go to the window and right, yes or no?
MR. : Yes, yes, yes.
: And then you go to the window?
MR. Yes.
: And when you look out the window, what do you see?
MR. : Michael Brown on his knees with his hands up and I couldn't even, from my angle I could not even see if it was him or not. The way I found out it was him because I knew everything he had on because he was just at my house 20 minutes prior to what happened.
The reason why I really new who it was cause he had on some socks, and I remember exactly what socks cause he loved wearing them.
: What socks were those?
MR. : They were some yellow and

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green like marijuana leaf socks.

: Okay. They had marijuana leafs on them?

MR. : Yeah.

He loves to wear those?

MR. : Yeah, like a month prior to that he had bought a whole bunch of them. I don't know why, that's what he wore. I can tell you everything he had on, he had on a gray T-shirt, he had on some khaki pants, or khaki shorts, some Nike white and black flip flops and then them specific socks I just mentioned.

: Okay. So today what you're indicating is as you look out the window, you actually saw Michael Brown out there?

MR. Yes.

: Okay. And you could recognize him by what he was wearing?

MR. : Yes.

: Do you see the police officer shoot him one time?

MR. : Yes.

: And where did he shoot him?

MR. In his head.

: What did Michael Brown do at

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that time?

MR. : By that time when I seen the gunshot go off, he fell. He got shot in the head, it looks like he was already gone.

: So he fell down?

MR. : Yeah.

: When you looked out the window was he already down or you actually saw that shot?

MR. : No, when I looked out my window, he was on his knees.

: Okay.

MR. : I don't know if he had already got shot before then because I heard the first gunshot, I don't know, I'm just stating what I saw.

: All right. When you looked out the window, did you think that he had been shot from that first shot?

MR. : Yeah.

: Why did you think that?

MR. : Because I knew it, why would he be on his knees like surrendering like.

: Did you see any kind of injures that would lead you to believe he was shot?

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MR. : No, cause like my window, it was facing towards his back, it wasn't facing toward his front to see if he had got shot. From his back I didn't see anything.

: Okay. You couldn't see any blood or anything?

MR. Not from his back.

: Any wounds or anything like that?

MR. No.

: Then you say the police officer shot him in the head one time?

MR. : Yeah.

: And he fell to the ground?

MR. : Yeah.

: How did he fall when he fell?

MR. : He just fell. Like I couldn't explain.

: Did he fall on his back or his stomach.

MR. He fell like this. (indicating)

: And you are motioning face like down?

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MR. : Yeah, he fell facedown. Question, were both hands on the side?

MR. I couldn't tell you, I just know he fell face first.

: Okay. And so when he was laying in the street, he was face first?

MR. : Yeah.

: He wasn't on his back or on his side?

MR. : No, he was face first.

: Okay.

MR. : Even when they show what happened on the news, he still is face first and you can see the blood rushing from his head.

: What you are telling me today you only saw that one shot to the head?

MR. : Yes.

: You heard the first shot that woke you up?

MR. : Yes.

You were looking out the window and saw the shot to the head.

MR. Yes.

And then after that, after

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Michael Brown falls to the ground what do you do?

MR. : I run outside.

: Okay.

MR. (Inaudible) To the end of the steps.

: And what happens when you get to the end of the steps?

A I ran out there, I ran because there is like a grass hill right there. And I said they just killed my little brother for nothing. Those were my exact words.

: Okay. And did you see any other shots after you got inside there?

MR. : No.

: So you saw a total of one shot that day?

MR. : I saw one shot, but I heard several.

: Okay, all right. You're sure you didn't see four shots after that shot to the head?

MR. : I didn't see it, I ran outside.

: Okay.

MR. : I didn't see it, I heard it.

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: Okay.
MR. : I was close enough to it where I could hear everything that was going on.
: Let's back up a little bit. You mention that he was staying with you about a week before all this happened?
MR. : Uh-huh.
: And, in fact, I think you said before you and your mom were kind of taking care of him?
MR. : No, it wasn't my mom, he was at my sister's house. I wasn't even living with my mom during that point in time.
: You and Michael were staying at your sister's place?
MR. : Yeah.
: You were with him every day at that time?
MR. : Yes.
: (Inaudible)
MR. : It was every day because he lived right across the street.
: Pretty much all day?
MR. : Yeah, all day.
: You mentioned his socks, the

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marijuana leaf socks.

MR. : Yeah.

: He liked to wear those, did you know him to be involved in marijuana at all?

MR. : Yeah.

: How so?

MR. : He just started smoking I guess about four months ago.

: Okay. Four months before this happened?

MR. : Yeah. He wasn't no head, he wouldn't do it like just on a regular day basis, I would say occasionally.

: Occasionally, how often, once a week, twice a week?

MR. : Just holidays, birthdays, stuff like that. It was not like he smoked regular everyday thing.

All right. Would you ever smoke with him?

MR. Yeah, I have.

: Okay. Would you smoke with him basically the same kind of occasion?

MR. : Yeah.

: Did you smoke the same as

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Mike, would you smoke more often than him or less often?

MR. : Less often.

: Less often than Mike?

MR. : Like I'm saying, holidays and special occasions.

: Do you have any idea where he would get it from?

MR. No.

: Okay. Did you know any white contractors or workers that were working there that were digging out the trenches to put drain tile or drain pipes in there, did you know those guys at all?

MR. : No, I didn't, but it's funny you mentioned that because my sister was just telling me that he was taking my nephews out to the car, she was talking to some construction workers and they was talking about that and police and all this type of the stuff. It's funny that you mentioned that.

: That's just something that you've heard?

MR. Yeah, that's something I was asleep most of the day until actually heard the

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gunshot.

: Okay. Did you know those guys, the construction workers to be involved with weed at all or anything like that?

MR. : No.

: Have you ever heard of wax, do you know what wax is?

MR. No, I don't know what that is.

: Had you ever heard Mike talk about wax or anything like that, Mike Brown?

MR. : No, I'm thoroughly confused. I don't know what that is.

: Okay, that's fine. You're not aware of what wax is?

MR. No.

: And so you and Mike, you would smoke together sometimes?

MR. : Yeah.

: That morning before he left there, did you guys smoke that morning or overnight?

MR. No.

: You're sure about that?

MR. Yeah.

: Okay.

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: What about Mike, do you know if he did even if you didn't?

MR. : Yeah, he could have cause he left my house a couple of hours before we actually went to sleep. I can't vouch for what he did, you know what I'm saying?

: Nobody asked you to.

MR. : So I can't tell what he did when he wasn't around me.

: Okay.

MR. I'm just telling you my experience.

: We're not expecting you to tell us.

MR. I just telling you just my experience.

: I'm just talking about when he was around you, did he smell like weed that day at all or did you have any reason to think he smoked weed that day?

MR. I don't know, he could have, I don't know.

: Okay. I'm just asking if you know.

MR. : He could have, I don't know.

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: Okay. What makes you think that he could have? Just that it's possible?

MR. : Anybody can smoke at any time.

: What I'm asking you though, is there anything that led you to think that maybe he smoked that morning?

MR. I don't know, he was with me this morning, so I didn't smoke I was still in bed.

: Okay.

MR. : I can't tell you what he did when he wasn't around.

: I can tell you that the evidence was that he had smoked weed or basically THC somehow that day, all right, that's the ingredient in weed or marijuana. The two of you had smoked before, I'm just curious about, when you were up overnight, did he smoke at that time maybe?

MR. : Neither one of us smoked that day. Neither one of us had no money.

: Okay.

MR. : Well, I didn't have no money at that time.

: Do you know if he had any weed, any marijuana that day?

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MR. : I don't know.
: Did you see any?
MR. : No, I didn't see none though. (inaudible) He didn't make it his obligation to tell me if he had some or not. I honestly don't know.
: When he got up to get dress that day or when he was getting ready to leave, did you see him with any weed or put any weed in his pocket?
MR. : No, he just said he was going to walk to the store and he'd be back, him and Dorian.
: Let's talk about that. My understanding is he was going to the store to get some Cigarillos. Did he tell you that he was going there to get those?
MR. : No, but I wasn't sure if he had it already or that he was going to go get it or I didn't know. All right. I will just be here when you get up. I'll open the door for you.
Do you know why he was going to get Cigarillos? Was that for marijuana?
MR. Who knows. He had none of that at the point in time he woke me up to let me

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know that he was going to the store. I didn't see none of that.

: Okay. But he did tell you that is why he was going to the store?

MR. Yeah, that's what he tell me.

: Did you know him to use Cigarillos to smoke week.

MR. : Yeah.

: To make a blunt?

MR. Yes.

: Is that the way the two of you would normally smoke?

MR. : Yes.

: With Cigarillos? Is that a yes?

MR. : Yes.

: You have to speak up for the tape, I'm sorry. Okay. And so when you and Mike Brown would actually, when you would smoke weed, you would use Cigarillos to smoke it?

MR. : Yeah.

: How do you do that? I mean, what do you do with the Cigarillos? I just have to lay the groundwork.

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MR. : You just take the tobacco out and then role the marijuana into it.

: Okay. You take the tobacco out of the Cigarillo and put the marijuana into it?

MR. Yeah.

: Okay. And basically you pull all of that tobacco out and fill it with marijuana?

MR. Yeah.

: The whole Cigarillo?

MR. : Yeah.

: Okay, all right. Now, Dorian was there that morning too at your apartment; is that right?

MR. : He wasn't in, actually in, he was sitting outside waiting. He didn't actually come in my house.

: Okay.

MR. He was just waiting. Mike came and gave me my phone back and we are off to the store, we be back.

: All right. When Mike was talking about going to the store to get Cigarillos, I mean, was he talking about that he was going to go smoke, you knew why he was going to get the

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Cigarillos?

MR. : Yeah, I knew why.

Okay. Did he talk about, hey, when I get back, let's smoke, I'm going to go smoke with Dorian, or did he say anything like that?

MR. He was like, I'll be back, me and Dorian are going to be back. I don't know if they was going to come smoke with me or not.

Mike said when he left they were going to come right back, be about 30 minutes. I make sure I be up so I be up so I can come open the door for 'em.

: Okay. They were going to come back to your place after the store?

MR. Yes.

: Both of them were going to come back together?

MR. Yeah.

: Did Mike say anything else to you that morning?

MR. No, he didn't say nothing.

: Let me ask you, that morning now, you said you were up overnight that you couldn't sleep and Mike spent the night that night?

MR. Oh, yeah.

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: And he was up with you at that time?

MR. Oh, yeah.

: Did he say he couldn't sleep or do you know why he was up?

MR. I didn't know why he was up, I knew why I was up cause I had an intuition, like a feeling that something was going to happen. I didn't think it was going to honestly happen to him, I knew God send me a sign and I knew something was going to happen the following day.

: The two of you were up overnight?

MR. : Yeah, I knew it was going to be something, see, I don't sleep at night.

: That's what I was going to ask. Do you normally stay up throughout the night or sleep during the day or what?

MR. : No, I'm usually the person who just stay up late at night. I don't get too much sleep.

: Would Mike stay up with you too late at night?

MR. No, he be the one to go to sleep first.

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: Okay.
MR. : So it was kind of strange that he was up all night.
: So at some point, though, you fell asleep?
MR. : Yeah.
: Whatever time you think that was if you know.
MR. : Around 4:30, 5:00.
: In the morning?
MR. Yeah.
: And where was Mike at that time?
MS. : He was on the couch, I don't know if he was asleep by then or not. I just know I couldn't take no more and I just passed out.
: You were sleeping in your bed?
MR. Yeah.
: He was on the couch?
MR. : Yeah.
: Okay. And so you fall asleep and what's the next thing you remember from that morning?
MR. He came and woke me up and

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he was like, he said let me see your phone. I'm like all right, man, and take the phone out, unlock it for him, and I went right back to sleep.

: Do you know who he was calling on his phone?

MR. : I think his grandmother. Yeah, his grandmother. I had told him before he had went to sleep, I'm like, man, when we wake up in the morning.

: Uh-huh.

MR. Call and check on her to make sure she's all right. Before you do anything call and check on her to make sure she's all right.

: Okay.

MR. I always told him he had a grandmother and all of that. He didn't need to take her for granted. And that's one thing I always push from our people is to stay with your family.

: Okay.

MR. : To be --

: And let me just, you know, you just try to answer the question, okay. That way we won't spend a lot of time here today, okay. I don't want to have to have you here all day. So just try to answer the question I'm asking, you

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understand, is that okay?

: Uh-huh.

: So he borrows your phone, you think to call his grandmother?

: He came and tossed me my phone. Me and Dorian is going to walk to the store we'll be back. And I said about 30, 45 minutes. I'm like, all right. I got up, locked the door, went back to my room and went to sleep.

: Is that when he said they were going to get Cigarillos?

: Yes.

Let me ask you this, when you smoked weed with Mike, where would you get it from?

Uh --

I mean, I don't think he wants to answer that

: I don't want to answer that question.

: I'll tell you right now you are not going to be in any trouble, okay. (inaudible) To be smoking weed or whoever you get it from or whatever. I'm just curious about, you know, who supplies it to you?

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: I'm not going to answer that question.

: Well, that's kind of up to me to determine, okay, legally whether it matters or not, okay. I'm just asking you, you know, you basically refusing to tell me?

: This ain't got nothing to do with this interview.

: Basically you're not going to tell me; is that right?

: Yeah.

: Okay, that's fine.

: Can I ask you a question? You describe what it is, what his demeanor was when he got high, what was he like?

He was a funny person, like he would sit there and talk about each other, get on the phone with females, play video games, he wasn't no aggressive person at all. At all, like towards nobody.

: He wasn't angry towards anybody?

: No, he was a big fun person, that's all he was. Whenever we was together, there was no drama, there was no nothing. We would just

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sit in the room and play the games and just get on her nerves all day. She would be in there going off on him. (inaudible)

: When you guys would smoke weed together, did you ever get or did he ever get like scared or paranoid at all from smoking weed?

No.

: Okay.

: If we did do it, it was an enclosed area around his family, it wasn't like, when we did smoke, it was no public thing.

: Okay.

: We go outside smoke, come back in, play video games, play with his little brother, little sister. There was never nothing out of line or anything like that.

: Um, now, after you mention on August 9th you saw the police officer shoot him once in the head and he falls to the ground. And then you ran outside, down the steps and outside, right; is that right?

: Yeah.

: All right, you have to say so.

: Yes, yes.

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: You ran down the steps to get downstairs?
: Yes.
What floor were you on?
: I live on the third floor.
: So you ran down the steps to get down there?
: Yeah.
: You mention before that by the time you got down there, there is kind of a crowd gathering; is that right?
: Yeah.
: Tell me about that?
: There was people out there before I had even got outside. It was a regular day. There was people walking their kids. It is hot outside, it is just a normal day like.
: I'm talking about after the shooting when you got out there?
: There was crowds gathering, there was just a whole bunch of chaos after that, a whole bunch of chaos.
: What was going on, what were people saying?
They were crying, yelling

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and screaming. They killed him for nothing, they killed this baby for nothing, just everybody was outside.

: Okay. And you mention before also that you talked to Dorian a little bit about all of this after it happened?

: Yeah.

: He said something to you about hiding behind a Monte Carlo?

: Yeah.

: What else did he tell you about what happened, did he tell you about what happened down there?

: We didn't really get a chance to talk to too much, there was too much going on, too much commotion.

: What about since that time, there has now been, it has been over a month now.

: Eight weeks.

: Almost two months. Did you talk to Dorian about it? Other than hiding behind the Monte Carlo?

: I haven't had a chance to catch up with him.

: He hasn't told you anything

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other than he hid behind a Monte Carlo?

: He said he shoot at Mike. (inaudible) He said he went and hid behind the Monte Carlo.

: Did he tell you what he saw?

: He said he shot him multiple times, couldn't really do nothing, too much talking. There was too much going on, just like he said, like too much going on. I had no chance for me to talk to him and for him to talk to me.

: Did he give you any other details other than he was shot multiple times and that Dorian hid behind the white Monte Carlo?

He told me, he told me that it was like he was telling everybody. Like he didn't have no choice but to try and run and hide behind the Monte Carlo while the shooting was occurring. We haven't had a chance to talk.

: So was he able to see the shooting then while he was hiding behind the Monte Carlo.

: That's what he said, I haven't talked to him.

: Okay. Have you seen any of the media coverage of this?

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: Um, not for real, I try not to watch TV too touch.

: Okay. You mentioned before you saw Dorian giving statements on CNN and MSNBC?

: Yeah.

: Do you recall that?

: I don't recall what he actually said, people was just telling me and I saw a YouTube clip of it of him on TV.

: Do you know what people were talking?

: Like my mother and like people was just talking, he was on TV.

: Now, , I've got to be honest with you, okay. I mean, based on what you are telling me today, it is substantially different than what you told the FBI before, okay. You talked about seeing one shot to the head before and then you talked about seeing the police officer stand over Mike Brown and shoot four more times into his body, do you recall that?

Yeah.

: Did you see that or did you not?

: I heard.

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: Okay. So you didn't actually see the police officer fire four more shots into Michael Brown?

: I didn't actually see it because I was going down the steps.

: Okay.

: But his --

: That's why we need to clarify what you actually saw versus these things that you assume or what you think you heard because it is important.

: It is not assuming if I'm going down the steps and I hear boom, boom, boom, but ain't nobody else out there got hit. Ain't no one else out there injured. That is just common sense.

: Back when you talked to the FBI previously, that was on August 13th, okay, just a few days after this happened, about four days after this happened. You told them that after the officer shot Brown in the head, he shot him eight more times.

Yeah.

: And you said that you saw him fire four more shots into Mike Brown's body as

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Mike Brown's laying there lying on the ground?

Yeah.

: Do you remember that?

Yeah.

: Today you are telling me you didn't see those shots; is that right?

More importantly I heard.

: That's what I'm just trying to determine. Did you see those shots or did you hear them?

: I didn't see them, but I heard them on my way running downstairs.

: You said there was a 10 second pause and more shots?

Yes.

: Okay. We're talking about now and then a total of ten shots is what you were talking about?

: Yes.

: So as you sit here today, how many shots did you actually see.

I saw one, but heard nine.

: Okay. So you are saying today that you just saw one shot?

: When he got shot in the head

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he fell when he was already basically deceased.

: On August 13th when you said that the police officer stood over him and shot him four more times, you didn't actually see that; is that right?

Yes.

: Okay. You told me today that you actually didn't see any injuries to Michael Brown before the shot to the head; is that right?

Yeah.

: You didn't see any bleeding or wounds or anything like that.

: I couldn't see because his back was turned towards that way.

: Okay. See, that's a problem I have today is that back on August 13th you told the FBI that Mr. Brown had blood flowing from his shoulder or rib cage on his left side. Did you actually not see that?

: I didn't see exactly where he got shot at. I said, I knew he had got shot I heard the first shot cause he stopped and he was sitting in the middle of the street. Like I told you, with his hands in the air.

: Right. But what I'm telling

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you is that you've told me today you didn't see any injuries to Michael Brown when he was down on his knees in the street. Before you had told the FBI that he had blood flowing from his shoulder and rib cage on his left side, somewhere on his left side, do you recall that?

: Yes.

: Did you all actually see that or not?

No, I didn't actually see.

: Okay. So when you told the FBI that on August 13th, you actually did not see that?

That was something that I heard. That's why you told me to tell you what I actually saw, so I'm telling you what I actually saw. Someone in the community --

: Who was that?

: Who told you?

I don't know. There was a whole bunch of crowds, people was telling me all type of stuff.

: That's why we want to talk to you. You understand that there is a lot of people talking --

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A I'm just telling you what I saw.

: Okay. What else were people saying?

That's what people were saying, they saying he got shot somewhere in his body at the top, but from my vision I seen his back was toward me and the officer's shooting.

: Okay. As you sit here today then, you actually did not see blood flowing from his shoulder or rib cage before he was shot in the head?

: No.

: Okay. And you say that Michael Brown had his hand in the air at the time he was shot?

: Yes.

: Did he say anything?

: Please, don't shoot.

: Okay. And did you actually hear that?

Yes.

: You said he was pleading for his life?

Yes.

: And the police officer shot

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him in the head?

: Yes.

: I think you described before that the police officer was basically standing right in front of him when he shot him; is that right?

Yes, his gun was close to him.

: His gun almost touching his head?

Not almost touching, I said like that far away, but it was point blank range. (inaudible)

: You've described it as very close or point blank range?

: Point blank range.

: Basically the police officer, from what you described before, he just got out of his car and walked over to Mike Brown and shot him in the head?

: I didn't see any of it.

: You didn't see the police officer get out of the car?

I didn't see it.

: Okay. You've described on August 13th that the officer got out of the car and

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shot Mr. Brown?

(Inaudible)

: That's why we are here today.

: We're trying to determine exactly what you saw, okay.

Uh-huh.

: But basically you said before that the officer shot Brown in the head as soon as he exited the police truck. You saying today you didn't see the police officer exit the truck?

I didn't see him get out of no truck. His police cruiser was a couple of feet going up towards West Florissant.

: Uh-huh.

But I didn't see him get out of no truck.

: Okay. So when you looked out there on August 9th, the police officer is already out of the truck?

Yes.

: And was standing in front of Mike Brown?

: Yes.

: And then he shoots him once

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in the head?

Yeah.

: While Mike Brown was pleading, please don't shoot me.

: Yeah.

: Again, the officer is very close, basically point blank range at the time of the shot?

: Yes.

: I think you said before too they were basically right next to the police car at that time the; is that right?

: It was not right next, but it was enough to where I could see the police cruiser.

: I think before you said it was probably five or six feet away?

Yeah, It wasn't too far, it was down toward like West Florissant.

: He was actually moving; is that right?

Yeah, he was moving, he was facing towards West Florissant.

: At the time that the police officer shot Mike Brown in the head and he fell,

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they were about five or six feet away from the police car?

: Yeah.

: Okay. And you say today that Mr. Brown, when he was shot in the head, he dropped to the ground flat on his face?

Yeah.

: Basically facedown?

: Basically, yeah.

: Do you recall on August 13th, it is another concern I have okay, and I'm just being honest with you, okay?

All right.

Is it at that time you said you he fell on his side. You said he fell on his side and the police officer shot him four more times in the side.

That's what I heard.

Okay. Who did you hear that from?

: Somebody in my complex.

: Okay. Those people were just telling you that?

: Yes, there was a whole bunch of people outside, so it is a whole bunch of

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stories. But I will tell you from what I seen, from what I seen, what I seen he dropped and I heard more shots as I was going downstairs.

: So basically you didn't see Michael Brown when he turned or dropped to the ground, you didn't see him turn on his side?

: No.

: You didn't see that?

No. When I got down to the end of the steps, he was facedown.

: Okay. All right. So you never saw him turned on his side?

No, when I got down he was facedown and blood was rushing from his head out in the street.

: And just to be clear here, then you didn't see the police officer stand over him and fire four more shots into his body?

Obviously, I didn't see him, I heard eight more shots after the two gunshots from inside the house.

: Let me ask you this , and again, I just want to be upfront here. Are you sure that you saw the police officer fire any shots as oppose to just hearing shots?

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Yes, I saw him.
: You saw one shot?
: The one to the head that killed him.
: You actually witnessed that?
: Yes.
: That's not just something that someone told you?
No, I actually seen it.
: Because my issue is and coming into today, before you were even telling me some things different from before, and I understand. Some of the things you heard you saw before you actually just heard from other people; is that right?
: Yeah.
: Is that correct.
Yeah.
: So you didn't actually see those things?
: No.
: Okay. I just want to make sure you are in here today and you are telling me you saw that one shot, I want to make sure that's just not what someone told you versus what you

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actually saw, because now is your opportunity, okay?

Okay.

: You can see our concern, right, because beforehand you told us what you saw that you saw and now you came in here and say you actually heard it, you said that initially. We need to be sure, you know, if we are going to put a case together and put you on the witness stand, we need to be sure that you are telling us what you actually saw versus what you heard from people on the street.

: You understand?

Yeah.

: So, I mean, now is your opportunity, okay?

I'm telling you I just told you everything.

: You said you heard two shots inside the house and you came out --

: And heard eight more, yes.

: Okay. But as said, what we are trying to do is evaluate witnesses here and evaluate this case, okay. And I can tell you at this point if we were going to charge this case and go to trial there is just no way I could put you on the witness stand and there's a couple reasons for

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that, okay.

The first is, basically just about everything that you said on August 13th, and much of what you said today isn't consistent with the physical evidence that we have in this case, okay.

And now what you are telling us today is actually substantially less detailed than what you said on August 13th and I understand that and we talked about it, all right. But then also what you told us today is quite a bit different from what you said on August 3rd. So those are the issues we have, okay.

What you are telling me today or on August 13th is not consistent with the physical evidence we have, okay. Evidence that is not going to change, that's just not just someone else talking, okay. That's what the evidence is.

: And is talking about the evidence, he is talking about the scientific evidence and things like that, not what other people are saying.

: Right. I'm talking about DNA evidence, I'm talking about just simple things like the way the scene was laid out, right. What you're telling me, it is just not consistent with

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what happened that day. All right. And that's our concern, you understand?

Yes.

: I mean, can you explain that to me?

: I want to know if you say from a different perspective, why would you ask the witness everybody's perspective wouldn't be the same because there is different angles.

: Exactly, that's why I'm saying.

: (Inaudible)

: I'm not saying other people are saying other things you must be lying here, that's not what I'm saying. What I'm telling you is not from someone else's perspective, okay, or what another witness said. I'm talking about actual physical, forensic evidence at the scene, okay.

: So what am I saying that don't match up?

: That's what you need to tell me.

There's no telling you.

: That's what I'm wondering is, can you explain to me why that's the case?

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Again, I'm telling you what I saw. Not what you say, you know, I'm telling you what I saw from my perspective. That's why I have been brought down to tell you my perspective of what's going on.

Well, and so you substantially changed, right, before you had a whole other narrative and now you are coming here and explain to us well, a lot of that is what people were telling you?

Didn't you all just say let you know that we were outside to tell you what I seen and not heard.

: Right, exactly right. Before we came in here we said to you make sure you just that us what you saw and not what people said to you.

: And let me make it very clear about that, there is certain things that you said you saw back on August 13th, we're actually thinking --

: That people told me, yes.

, you know, (inaudible) you know, we go before the FBI, this is a federal investigation, so you can't tell a story.

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And honestly, you have never done this before, correct, you have never been before a court or anything like that?

: No.

Would you lie if you didn't see Michael Brown shot if you didn't, would you lie about that?

No.

: That's all well and good, okay, that's fine. But the point is that on August 13th you told the police, you told the FBI things like you saw the police officer after that first shot to the head. The shot that you saw, the first shot you saw to the head that Michael Brown fell to the ground on his side and the police officer stood over him and fired four more shots into his body. You said that you saw that, okay.

Now today, to your credit, you've told us no, that's not what I saw, that's just something that I heard, but you understand that you told the FBI that back on August 13th that you saw it.

What I'm telling you about what I heard, I'm telling you about how I was going down the steps and I'm hearing shots still ringing off and terrifying to get even to the bottom of the

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steps because I still hear shots ringing off.

: That's understandable. That is all we are trying to figure out what you, yourself, actually saw versus what you thought might have happened based on what you were hearing.

What I'm going to say --

: You understand --

Just listen to me. There is not no thought if I know for a fact --

: Can I explain generalities of forensics. Not discussing, we're not here to discuss or argue about it. But everything we measure against every testimony here is what we know to be forensics because that is irrefutable.

It is not he was at this perspective or that perspective, but here is how he changes. We know whether or not Michael Brown was shot at point blank range in the head based on that, yes or no, we know that.

We are here today to tell you what you are saying you saw isn't forensically possible based on the evidence.

: And that's just an example. Virtually everything that you told the FBI on August 13th doesn't match up with the evidence,

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: So you're telling me he didn't get shot in the head at point blank range?

: What we are telling you is that the physical evidence doesn't match up with what you are telling us. That's just an example, okay.

The entire layout of the scene is entirely different than what you described, okay. And when you come in here today and substantially change you say you saw and what you claim you saw on August 13th, that leads me to believe that maybe you didn't see this. And if that's the case, you need to tell me, okay.

: We're not even saying this, first of all. When you are running down the stairs, you say a lot of people were out there, you said you were scared, that's --

I tell you can I leave? I don't feel too comfortable right now.

: Okay. Now, if you want to go, that's fine.

: You can go outside.

: I ain't feeling comfortable.

: Why aren't you feeling

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comfortable?

You are telling me I didn't see what I saw. This is not the first time that it happened, they did it to me last time I was here and try to tell me.

: The reason the FBI challenged you when you gave the statement before was because they knew at that time that what you were saying didn't add up with the physical evidence, okay.

: You would agree that is right?

: If you all knew the physical evidence, why would there be a need for a witness if you have the evidence already.

: You have to have people that actually saw it, that's what we are trying to say, okay. We're the prosecutors on this case, okay. And we have to evaluate the case and determine whether or not there are going to be charges and whether or not we would take it to trial.

And so we would have to meet with the witnesses and talk to them, particularly the ones who were concerned that what their saying doesn't match up with the physical evidence. We have to

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evaluate that.

: If I didn't see what I saw, why for the first two or three weeks I was being harassed.

: Who were you being harassed by?

: Police go to my mother's house if I didn't see what I saw?

: To try to interview you, you mean?

: No, they came to my mother's house, tried to swarm my mother's house. People at my back door, at my side window and at the front door and I didn't even live there at the time.

: When was this?

: It happened in the same week of him getting killed, the same week. And then to know for a fact that someone came down and burnt his memorial.

: That happened more recently, right.

: Yes, I smelt it burning. Didn't nobody try to put the fire out, no nothing. It took an African-American Ferguson police officer to come with a fire extinguisher to put it out after

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it was burning for 30 some minutes.

There were other people, other Ferguson police sitting on their cars looking at it. And then to tell me I'm lying.

: There is a lot that went on in the aftermath of the shooting. A lot of people were scared because they heard gunshots. A lot of people were talking, so the problem is that sometimes people, you know, thought they saw something, really it was because other people were talking so much.

So our job is to figure out what each individual actually saw and noticed. Not what was going on in the community, so that's why we wanted to meet with you.

: I'm telling you all right, I'm sorry, I'm telling you what I saw, I seen the man execute my best friend.

: You don't have to speak any more, it was voluntary. So we certainly don't want you to talk to us any more. So we do thank you for coming in, thank you.

Thank you.

MS. : End recording at 11:26 a.m.

MS. ALIZADEH: And actually, it is

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12:26 p.m., and I imagine your lunch is here. So we'll go ahead and take a lunch break and, , can you finalize whatever the disc that we need to do and then let us know when you are done with your lunch break and we'll start up with more evidence and witnesses.

(End of the audio recorded interview of .)

MS. ALIZADEH: This is Kathi Alizadeh with the prosecutor's office. It is October 16th, 2014. It is one 1:11 p.m. Sheila Whirley is also present from the prosecutor's office, as well as all 12 grand jurors are present and the court reporter, who is taking down the testimony of witnesses and recording proceedings in the grand jury.

We have our first witness for the afternoon and he is ready to be sworn.

,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

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BY MS. ALIZADEH:

Q why don't you state your name and then you're going to want to spell it so we get it right.

A How you guys doing? My name is

Q Okay. Now, , I'm going to stand all the way back here. And, um, the microphone that is in front of you it doesn't amplify your voice, it is only recording, so you're going to have to keep your voice up. You tend to have a softer voice, so if the grand jurors can't hear you, they're going to raise their hand and say what, we can't hear. It is best to just try to speak loudly enough, you know. I naturally do anyway, my kids say I'm yelling at them, but I don't want you to not be heard, okay?

A Okay.

Q So, can I call you ?

A Yes.

Q , how old are you?

A I'm years old.

Q And I want to just clarify something, you introduced yourself to the grand jury as ?

A Yes.

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Q Is that the name you were born with?

A Yes.

Q Okay. Now, a recording of a statement that was made by you on August 13th, where you said your name was , , or something like that. Is that the same person?

A Um, no, it was just a heritage thing. I just had where my roots was from, so I was just learning about it.

Q Okay. You're going to have to talk louder.

A No, it was just a heritage thing that I had just learned about, me and my uncle were discussing it, so me and my lawyer.

Q But the person that was in that statement who said his name was , that's you?

A Yes, that's .

Q Okay. And so today do you prefer that we call you or do you want to be ?

A I want to be , that's my name.

Q All right. So, , where do you live?

A I live in Northwinds Apartments in Ferguson, Missouri.

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Q How long have you lived in Ferguson?
A Since I was about . I guess since eighth grade or middle school.
Q Okay. Do you currently, do you go to school?
A No.
Q Did you go to high school?
A Yes.
Q Where did you go to high school?
A .
Q And when you were in high school, did you have a friend named Michael Brown?
A Yes, he was one of my best friends.
Q And how long have you known Michael Brown?
A Um, it goes back to me knowing his family when I was young, but we had just reunited like around, I say around my freshman year of high school. And his uncle really recognized me from the old neighborhood and that's how I found out that I knew him and his family for a long time.
Q So did you and Michael Brown start becoming good friends like early high school?
A Yes, we was around each other every day up until the day he died.
Q Okay. Now, did he also go to

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?

A Yes, he went to for about a year.

Q Was that like his last year or his freshman year?

A It was his freshman year.

Q So did he also live in Northwinds?

A Yes, he did. He lived with his grandmother directly across the street from me.

Q How long have you been living, now I know he was staying with you for a while right before he passed, right?

A Yeah, I say about two or three weeks.

Q Okay. But before he was staying with you, he was living with his grandmother in Northwinds?

A He was bouncing back from houses to houses. He had another grandma that lived in Pine Lawn that he was also staying with at the time. And that's where he going to school. He actually graduated from Normandy because he lived in Pine Lawn with his daddy's mother.

Q So would he hang out in Canfield with you?

A Yes.

Q Do you know, did he have a car at the time?

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A No, he did not have a car. We actually had a friend that used to chauffeur us around. We used to give him gas money when we needed rides to go places.

Q So when he was staying elsewhere, you guys would still see each other every day?

A Uh, yeah, he would come over after school. We would just go to his granny's house and play video games and just hang out and just chill.

Q Okay. And are you, were you and Mike the same age?

A No, I was a year older than him.

Q A year older than him?

A Yes.

Q Do you know Dorian Johnson?

A Yes.

Q And how do you know Dorian?

A A friend of the family again. I known from my old neighborhood since I've been young.

Q And now Dorian is a few years older than you?

A Yes, yes.

Q How long have you known Dorian?

A A couple, few years. It has been since I have been young.

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Q Since you were --
A Yes, I guess about middle school years.
Q Okay. And you made some statements in the past, and I told you we're just going to clarify some things.
A Yeah.
Q You said before that Dorian was your cousin?
A He was basically family, like blood could not make us any more related. I grew up around him and all his brothers, so I look at him as family.
Q There is no blood relation?
A Not really blood, blood.
Q All right. But you feel like he's family?
A Yeah, I feel like he's family.
Q What about Michael Brown, are you related to Michael Brown?
A We are not blood related. Only way we would have blood relation is through his youngest siblings, his younger brother and his younger sister.
Q Okay. And how so, how are you related through siblings?
A I had found out after he had got murdered that we was all at his granny's house in Northwinds.

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And one of my relatives that I know for a fact is my relative showed up and he was like, you didn't know these were your little cousins, honestly I didn't know until he told me. And that's how I found out after the fact we kind of are relation.

Q Do you know how it is that your relation, your father's sister is married to?

A No, no, it is my father's nephew kids.

Q Okay. So your father's nephew is Michael Brown's father?

A No, it was his, not his father, his two youngest siblings father.

Q Okay.

A They had different fathers.

Q Gotcha. So Michael Brown has siblings that have a different father?

A Yes.

Q So you're related?

A To his younger siblings, yeah.

Q Okay, gotcha. You didn't learn that until after you said that he had passed, right?

A Yes, it was after.

Q So when you knew Michael Brown, you just consider him a friend?

A Yeah, one of my best friends. We was

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together almost every day.

Q Okay. And so what about Dorian Johnson, do you know how long prior to Michael's death that Dorian Johnson had moved into the Canfield Apartment?

A I knew he was living over there for a while, it is just I never did see him or get in contact with him until about two months before this end up happening. So I would have to say around either May or June.

Q Okay. How close a friend were you prior to Michael's death, how close were you and Dorian?

A We were close, but I knew him more because of his little brother. His little brother is the same age as me. So that's really how I knew Dorian Johnson mostly was through his younger siblings.

Q So he was a family friend?

A Yes.

Q But you were closer to his younger brother?

A Yes.

Q Okay. So Dorian Johnson didn't hang out with you and Mike every day?

A Uh, the two months prior to it happening when we found out he moved over there, he was also

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with us every day.

Q He would be with you every day too?

A Yes, we go over to his house and play video games, same thing that me and Big Mike I called him.

Q Okay.

A That's what I call him.

Q Is it okay if I call him Big Mike?

A Yeah, it is all right. I don't have no problem with it.

Q So let's talk about then the early morning hours of August 9th. We've heard your statements that you and Mike, he was staying at your house; is that right?

A Yes.

Q And let me ask you this; where were you staying at the time?

A I was staying with my sister at the time where she lived in Canfield.

Q So your house was in Northwinds?

A My mother's house was in Northwinds. My sister also had her own apartment in Canfield.

Q And you were staying with her?

A Yeah, I was staying with her. He was going through a couple things with his family and

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since we was just best friends, he was just with me every day staying over there. If he needed something, I helped him out. I basically look at him just like a little brother.

Q And so prior to August 9th when he got killed, how long had he been staying with you at your sister's house?

A It was about two weeks.

Q Okay. So right in front of you is a laser pointer, right here. So if you press on that gray button right there, see how you can point at things at the map, okay?

A All right.

Q So I'm going to give that to you. I'm going to direct your attention to this map, which is Grand Jury Exhibit Number 25. Do you recognize the streets and the buildings and stuff as being the Canfield Green Apartment Complex?

A Yes.

Q Okay. Using the laser pointer, can you point to the building where your sister's place is?

A I would say it would have to be around, I don't know, it looks different from the sky view, it looks kind of different. I would say it would have to be over, okay, it had to be over here.

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(indicating)

Q So let's just, for clarity sake, West Florissant is over here. (indicating)

A It was over here exactly then.

Q All right. And so you're pointing at Building Number

A Yes.

Q And so what floor did she live on?

A She lives on the third floor so I could see looking out of the window that I was in, I could see the whole Canfield Drive.

Q So can you tell me what, where in this building, I guess, obviously, there's units that face this way, right?

A (Nods head.)

Q Or east, and there's units that face west?

A It was a unit that's facing directly towards the street, directly towards Canfield.

Q All right. I know you don't necessarily want to give her address, but this one unit that's on the northern part of the building, that's and then the southern part of the building is was she on northern part or southern part?

A She had to be on the southern part, the closest to Canfield Drive, the closest.

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Q Okay. And we've heard some testimony already about these apartments. These apartments have a front door that you go into?

A Yes.

Q And there's also a sliding door?

A Yes.

Q And there's bedrooms that have windows?

A Yes.

Q So from the sliding glass door in your sister's apartment, can you see down onto Canfield?

A Um, no, not through the sliding glass doors, but through the bedroom window you can.

Q Okay. Is it a bedroom window that faces west or is there a window on this side on this other side?

A This is a window on this side that faces right towards Canfield.

Q Here?

A Yes.

Q Or here?

A The sliding door is on that side.

Q Right.

A But the window is right there, which would be my nephew's bedroom which I was staying in.

Q So the window that you are going to talk

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about here in a minute is on the southern side of the building?

A Yes.

Q And from here you can look out onto Canfield?

A Yes.

Q Okay. So on the early morning hours on August 9th, that evening, like the night before and into the early morning hours, was Mike with you?

A Yes, he was.

Q What were you guys doing?

A Um, we really was not doing too much. He was just, I don't know if he was going through a phase, but we just, mostly we did a whole lot of talking that night. We did a whole lot of talking about God, just about the problems that we've been going through. We just did a whole lot of talking. Because the cable was off at that time, we didn't really have nothing to do. We just did a whole lot of talking.

Q Was anybody else with you?

A Yes. My sister and my sister's fiancee and my two nephews, that's who I live with at the house.

Q Are your nephews, are they teenagers?

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A No, they're little, little kids.
Q Does your sister's fiancee live in that apartment too?
A Yes.
Q And your sister lives there?
A Yes.
Q So you said that you were talking about things you were going through, problems?
A Yeah, just like little problems. I was having problems with my mother, he was having problems just trying to find hisself. Just little arguments he would get into with his family, you know, just basically family problems.
Q Okay. And I know you've talked about in your interviews and stuff, they asked you were you guys smoking any weed that night?
A Not that night I didn't smoke with him, no.
Q Did you see Mike smoking any weed that night?
A No, I did not.
Q Did Mike ever leave the apartment and then come back?
A He did. He left for about 30 minutes and came back.

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Q About what time of night was that?

A It was around 11 something when he left, and came back it was around 11.

Q Okay. Did you guys stay up most of the night?

A Yes, we did stay up most of the night just sitting up talking. I was on the phone with a lady friend, he had my sister's phone, I don't know what he was doing at the time, but he had my sister's phone. I don't know if he was on Facebook, I don't know what he was doing at that time.

Q Okay. So Mike didn't have his own phone?

A He had his own phone, but a couple days prior to that his battery had went out on his phone, and I guess it had fried his phone out or something. He didn't have no phone at the time.

Q Okay. So what time did you go to sleep that night?

A I didn't go to sleep until 5:00 that morning.

Q But you did eventually go to sleep?

A Yes.

Q Where did you go to sleep, did you go to bed or did you just kind of pass out in a chair?

A No, I had passed out in the love seat in

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the living room, and I say around about 7:00 or 8:00 I got up and went and laid with my nephews.

Q Where was Big Mike when you passed out on the sofa?

A He was on the bigger sofa, longer one. He was laying there sleeping when I had woke up from when I went in there to get in bed with my nephews.

Q Okay. Just again to clarify, I cannot remember if it was my term or your term, you said passed out. Were you drinking any alcohol that night?

A No, I don't know. I was just, I'm more of a staying up at night person. I'm a night owl. So sometimes I just can't help it, I just pass out sometimes because I stay up most of the nights.

Q When you say pass out, you just kind of like fall asleep?

A I just dozed off.

Q Dozed off, wherever you were sitting?

A Yeah, basically.

Q So when you got up at 7:00, let me back up, passed out or fell asleep, was Mike Brown in your apartment?

A Yes, he was already sleeping by the time I had passed out.

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Q When you woke up like at 7:00 in the morning, or whatever, and went to your nephew's room, was he still in the same place?

A Yes, he was still asleep.

Q Okay. And just again, so I can clarify, did Mike Brown like go to sleep, was he wearing pajamas or was he wearing street clothes?

A No, he had on the same clothes that he got killed in, he had on the same clothes.

Q So you went to your nephews' room and went to bed?

A Yes.

Q What's the next thing you remember happening?

A Uh, he came in there, my sister had asked him because I was being lazy at that time, my sister had asked him could he put my nephews in the car because my mother came to come get my nephews and my sister, and my sister is pregnant now. So she couldn't carry them down the stairs, so he went and put them in the car and he came back upstairs and he asked me could he use my cell phone.

Q Okay. Let me stop. Remember when we talked about assuming things, you only need to say what you know or saw, okay.

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I asked you what's the next thing you remember, okay. So you woke up?

A Yeah, he woke me up to use my cell phone.

Q Okay. So Michael Brown came into the room?

A Yes.

Q And the stuff about him helping your sister, you didn't see that?

A I was asleep at the time.

Q Okay.

A I just woke up and there was nobody there but just him.

Q All right. You woke up, he's in your bedroom and he asked to use your cell phone?

A Yes.

Q Do you know what time it is at this point?

A I guess it was around, 10:00, 11:00, between 10:00 and 11:00.

Q All right. And was Mike Brown wearing the same clothes you seen him in the night before?

A Yes.

Q Was there anyone with him when he came into your room?

A Not when he came into my room.

Q Did you know, did you get up from the

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bedroom and go out into the apartment?

A No, he stepped out of the room and used my phone, and tossed me back the phone and told me, me and Dorian's going to walk to the store, I'll be right back. That's the last thing he told me.

Q So at this point had you seen Dorian that morning?

A No, he didn't come in.

Q Don't guess.

A He wasn't in my house because I was up by that time moving around.

Q You didn't see him?

A No, he wasn't in the house at the time, no.

Q All right. Did Michael Brown leave?

A Yes, he left.

Q All right. What did you do after Michael Brown left?

A Um, I still was laying down, but I wasn't asleep, I was on the phone with a lady friend of mine and we were just talking.

Q Did something happen that drew your attention to the outside?

A Yes. I heard, um, I say around, I say at least 30 minutes later I heard a gunshot. And

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that's what draw my attention to look out the window.

Q Now, when you heard this, did you immediately realize it was a gunshot?

A Yes, yes, no, I'm familiar with gunshots. The difference between fireworks and gunshots. I mean, it was loud, it echoed through all the apartments, it was very, very loud.

Q Was it one gunshot or more than one gunshot?

A I heard more than one gunshot, that's what drew my attention.

Q Did you get up from the bed?

A Yes.

Q What did you do?

A I went and looked out the window.

Q So the window, is it in your nephew's bedroom?

A Yes.

Q Is there a window covering on the window?

A Yes.

Q Blinds, drapes?

A Yeah, there's some blinds.

Q Were the blinds open or closed?

A They were closed, but I was looking

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through the blinds.

Q Do you remember was the window open or closed?

A Uh, I can't recall.

Q Would you, now, this would have been around noon on an August day. Did your sister, did she have air conditioning in the apartment?

A Yes.

Q Okay. Did she run the air conditioning, did she use it?

A At the time it was broke.

Q Bolt?

A Broke.

Q Oh, it was broke?

A Yes.

Q Do you remember when you made your first statement to the police? Do you remember saying the window was closed, or do you not remember?

A I don't remember saying the window was closed. I just know I heard the gunshot was really loud, that's what got my attention.

Q I get that, I understand. My question is, do you know today, do you have a recollection of whether the window was open or closed?

A No.

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Q You don't know, okay. But you did hear the gunshot?

A Yes.

Q And then when you looked out the window, what did you see?

A I seen my friend Big Mike on his knees with his hands in the air.

Q Okay. So can you pick up that laser pointer and with the laser pointer show me where Big Mike was on his knees, where you saw it?

A I was right here, he was around this area right here. (indicating)

Q Was he in the street, on the sidewalk, in the grass?

A He was on the street, smack dab in the middle of the street down the yellow line.

Q Okay. Now, you moved the pointer quite a bit while you were doing that. If you can, I know it doesn't have to be exact, but the best you can recall?

A He was right there in the middle of the street. (indicating)

Q So you've got the pointer right around the E or L of Canfield?

A Yes.

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Q Okay, all right. And so from your vantage point, you could see his whole body?

A No, I could just see like the back part of it from where I was standing, I couldn't see, I could only see an officer.

Q Okay.

A But I could see his back with his hands in the air.

Q So if Mike Brown's back was to you.

A Yes.

Q Where was the officer?

A In front of Mike Brown.

Q So use the pointer for me and point, I'm going to show you how I want you to do this. So if Mike Brown is here, was he facing that way, was he facing that way, so point where he is and then make a line in the direction that Mike Brown was facing.

A He was facing this way.

Q So he was facing like Caddiefield Road right here?

A Yes, but from my vantage point, like from my window, it was like his back was turned towards me.

Q What about the officer, what direction was he facing?

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A He was directly in front of Mike Brown. I say about four to five feet.

Q So he was in front of Mike Brown?

A Yes.

Q But which way was the officer facing?

A He was facing towards him.

Q He was in front of Mike, but facing towards him?

A Yes.

Q Okay. What about a vehicle, did you see any cars?

A The vehicle was parked a little bit further up, and I didn't notice the vehicle until after I got outside and got to the bottom of the steps and came outside. The vehicle was up a little bit, going towards West Florissant like it had came from the other way.

Q Okay. So let's stop there. So you said that you didn't notice the vehicle until you came down afterward?

A Until I actually got down after, after he was already assassinated.

Q Do you remember when you made a statement, you drew a picture and you said they were right next to the vehicle?

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A I didn't say they were right next to the vehicle, now I remember saying that, but I didn't say they were right next to the vehicle. I said they was parked a couple feet away from him, but it wasn't right next to him, like it was going towards West Florissant.

Q Do you remember the picture that got drawn? I'm going to show you, I haven't marked it yet and I will, but I'm going to show you a picture. Do you remember this, is that your signature?

A Yes.

Q Do you remember doing that?

A Yes.

Q So you remember that this square here was supposed to be the officer's car?

A Yes.

Q And then this MB, that circle is where Mike Brown was, you told the officer that's Mike Brown, right?

A Yes.

Q And you told the officer that was labeling this, that the distance between Mike Brown and the officer's car was approximately 5 feet?

A Yes.

Q Okay.

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A But that wasn't close. The car was pointing towards West Florissant, I didn't say it was right next to him.

Q Okay. Do you know how long 5 feet is?

A It is not really that long.

Q Like I'm 5'1". So if I'm this far away from you, that's like 5 feet. Was the car that close to Mike Brown?

A Yes.

Q Okay. So you realize that if Mike Brown --

A But if he was right here, I couldn't really tell because the building is in the way. I can only see what I saw was the officer and Mike Brown until I got all the way to the bottom of the steps and came and come across the parking lot.

Q In your statement that you said that he was next to the vehicle and you helped them draw the picture and you said the vehicle was behind Mike Brown about 5 feet, you didn't see the vehicle behind Mike Brown?

A No.

Q Okay. So that wasn't correct?

A No, until I got down there that I actually saw the car.

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Q What about the officer, did you see the officer get out of the vehicle?

A No, by the time I got all ready, by the time I looked out the window, he was already out of his vehicle with a gun drawn.

Q Okay. So now the officer was close to Mike Brown when you say he's in front of him facing Mike Brown?

A Yes, it was point blank range.

Q Since I don't know what you mean by point blank range, were they this close?

A It was about, yes.

Q So maybe 4 feet away?

A Yeah, 4 to 5 feet away.

Q Was it close enough that the officer had reached out he might be able to touch Mike Brown's head or face?

A Yes.

Q All right. And you say that the officer had his gun drawn?

A Yes.

Q And where was the gun pointing?

A Towards the top of his skull.

Q Mike Brown's?

A Yes.

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Q And at this point you say Mike Brown is kneeling?

A Yes, he is on his knees. For him to kneel down, he was still tall, he was at least about 6'3" or 6'4".

Q He was tall?

A He was real tall.

Q So do me a favor, , so we can get an idea of what you mean. Can you come across here and maybe like right here so that everybody can see you. Position yourself the way you saw Mike Brown when you first looked out your window.

A I looked out my window, I saw Mike Brown, he was on his knees like this.

Q Okay. So, for the record, you're kneeing down and that your hands are at about the height of your face, correct?

A (Nods head.)

Q And your palms, your fingers are pointing to the ceiling?

A He was surrendering.

Q And your palms are facing forward; is that right?

A Yes.

MS. ALIZADEH: You can go ahead and sit

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back down.

Q (By Ms. Alizadeh) And now, at that time could you tell if Mike Brown had been shot?

A See, again, that was speculation that I heard. I couldn't actually you tell if he had got shot, but from what I heard he did get shot. I didn't know that personally.

Q Well, you know, it is important to talk about --

A That why I say I didn't see him shot personally, but that's what I was told.

Q All right. I'm not asking you what people told you or what you think happened. I want to know what you saw. So you said Mike Brown's kneeling with his hands up and the officer is in front of him?

A Yes.

Q About 3 or 4 feet away?

A Yes.

Q With his gun pointed at Mike Brown at the top of his skull?

A Yes.

Q What color was the gun?

A I was a little too far back to tell, honestly, tell what color the gun was.

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Q Okay. You saw Mike Brown leave your apartment that day, when you looked out and saw him, can you recognize that that was Mike Brown?

A Yes, the reason why I recognize it was Mike Brown is because, first off, I didn't know nobody that big was that young. Like he had been that big since we have been freshman. So that's another reason why I knew it was him.

The second reason why I knew it was him, I recognize him by his socks and his khaki pants that he had on when he left my apartment.

Q But with him kneeling down, you mean, you weren't getting a full body view of him?

A But his legs were long and him on his knees and his back was towards me, I could see the lower half of his body.

Q Okay. When he left your apartment that day, how about, was he wearing a hat?

A Yes, yes, he was.

Q Okay. What kind of hat?

A St. Louis Cardinals hat.

Q What color was it?

A Red, it was snapback, it wasn't a fitted cap.

Q All right, was it a baseball style cap?

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A Yes, it was a snapback. It is the hat with the snaps on the back like you can adjust it.

Q Sure. Could you see that hat on him when he was kneeling down?

A No.

Q You didn't see the hat?

A He didn't have a hat on.

Q Did you see the hat at all when you looked out?

A No, I didn't see the hat until I actually got there close enough to see everything.

Q So when you saw him kneeling down, he was wearing what you remember he was wearing what he had on, but no hat?

A Yes, he had on a gray T-shirt, he had on some khaki shorts, he had on some marijuana socks, they were yellow with green marijuana leafs on it, and he had on some white and black Nike flip flops.

Q Now, this is one of those things I want to make sure that this is what you remember seeing as opposed to, like that day, as opposed to after you got down to the scene.

You remember that's what he had on?

A Yes, I know exactly that's what he had on when he left my apartment that day.

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Q Do you remember what your sister's fiancee was wearing that night?

A No, I can't recall that. I cannot.

Q How about what your sister was wearing that night?

A She was in the bed, I don't think she was doing too much, she was pregnant so, she wasn't really doing too much moving around at the time.

Q So, you know, , one of the things I'm wanting to kind of figure out is if your memory of what he was wearing is based upon the fact that you saw him down at the scene when you went down there as opposed to what you really remember that he had on the night before?

A I know exactly what he had on cause he didn't change clothes because he couldn't get into his grandmother's house to get more clothes, cause that's where his clothes and belongings were at. Only thing he had brought to my house was some stereo speakers and his laptop.

Q So he wore those same clothes for like the two weeks he was staying at your house?

A No, not for two weeks, just like a couple days.

Q So then did you see the officer actually

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fire his weapon point blank at Michael Brown?

A Yes.

Q And did you see the bullet hit him?

A Yes, I seen his body drop. And when I seen that, I ran outside. On my way downstairs, I heard several more shots. I didn't actually see them, but I heard.

Q So did you actually see Mike Brown fall?

A Yes.

Q Was he still on his knees when the shot was fired?

A As soon as the bullet hit him, he dropped.

Q Okay. And you just made a motion forward?

A Yes.

Q Did he fall forward?

A Yes.

Q Was he then on his front?

A Yes.

Q On his stomach?

A Yes, on his stomach.

Q Facedown?

A When I got downstairs, he was on his stomach.

Q Okay. And so you said you heard after that first shot, or the second shot, you saw the

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second shot and after that you saw him fall onto the front, his front?

A Yes.

Q And then you said you started running downstairs?

A Yes.

Q Okay. When did you first hear another series of shots, were you already out of the apartment?

A I was out of the apartment. As soon as I hit the front door and got onto the balcony I heard, at least, I say about three to four shots. It was like a pause of me running down the steps, and then when I got to the end of the steps I heard several more shots.

Q Okay. At that point then did you see what was going on?

A I didn't see what was going on, but I could hear it. I can't honestly say I did see hit.

Q After you ran down the steps, did you come out to the front of the building?

A Yes, I ran, it was a grass hill cause they were getting ready to come across, I guess they was getting ready to come across the grass hill.

Q Who is they?

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A I guess Dorian and Michael Brown.

Q Remember, don't guess.

A When I ran out of the house, I ran over to the grass hill, people were out there crying and yelling. I was just like, they just kill my home boy for nothing, those were my exact words.

Q Did you see Dorian Johnson when you were out there?

A No, I didn't see him until I say about five minutes later because I was more worried on going to go tell his family what happened, but by the time I tried to get down to his family's house, his uncle's girlfriend was already coming up the street.

And I don't know if she heard about what had happened or if somebody had told her, but she was coming and running up the street.

And I guess when she found out it was him, she broke down in tears. And then Dorian walked up to me and he started crying. And he was like sick to his stomach, so he honestly threw up in the parking lot.

Q Okay. So let's back up a little bit. In your other statement before your first one, you said that you saw Dorian crouching behind a car, a white

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Monte Carlo, and then you later said, no, you didn't really see that?

A That's what the community and what people was telling me.

Q Okay.

A This is actually what I saw.

Q So when Dorian ran up to you after you were already out on the street, Michael Brown is already dead in the street?

A Yes.

Q That's the first time you saw Dorian that whole day?

A Yes.

Q He told you what happened then?

A He really couldn't tell me. It was a neighbor that honestly told me what happened.

Q Who told you what happened?

A It was a neighbor, I don't honestly know his name. It was just a person I used to see. When he had got killt (sic) people thought it was me. People were thinking it was me. He just left out of here, he just left out of here. And that's what I was hearing as I was coming down the steps.

Q Okay. So when you went down to the street.

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A Yes.

Q How close did you get to Michael Brown's body?

A I couldn't get that close. There's police right there by the time I got all the way down there enough to go to the scene when his family arrived, it was already, the tape was up and all that. So I had called my mother first, and then I had called my sister, and then I called my cousin and met up with my cousin.

Q So by the time you got down like onto the ground level, the tape was already up?

A No, not when I got down to the ground level. I didn't go close enough to his body. I stopped in the middle of the grass hill and I just broke down.

Q Okay. So did you see the officers putting the tape up?

A No, I honestly didn't. I was down trying to go tell his family what happened. I was talking to his auntie actually.

Q Okay. Use the laser pointer for me and show me where you walked down to when you came down to see what was going on in the street?

A There is a grass hill right here. I came

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across. (indicating)

Q Okay, now --

A Grass hill was right here. Specifically, I know this grass hill. I came across and I stopped. (indicating)

Q You're saying you came across?

A I came across right here. (indicating)

Q From up here? (indicating)

A Yes, I came across right here and I stopped and looked, and I just broke down.

Q Okay.

A On the grass hill, and then I tried to go back to Northwinds and try to go the Northwinds and try to go talk to his family.

Q Okay. So when you came down to the scene.

A Yes.

Q Was Michael Brown's body covered?

A No.

Q Did you see the officer?

A I couldn't recall, but I did, there was a couple officers there. I don't know if he called backup at first when it first got started or something.

Q Again, don't guess.

A I'm just saying, there was officers on the

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scene almost immediately.

Q So by the time you got down there, there was more than one officer there?

A Yes.

Q All right. Do you think you got a good enough look at the officer that shot Michael Brown that you would know which one is which?

A I couldn't even tell. The only thing I can remember is he had on a black hat, and I think had on glasses, that's the only thing I can honestly remember.

Q Okay, so backup, I don't know if I understood you. He had on what?

A A black hat, like a black regular hat and some glasses.

Q A black hat and glasses?

A Yes. I guess his police uniform.

Q Okay. And so the officer, is that the officer that shot Michael Brown?

A Yes.

Q Was he wearing a black hat and glasses when he shot him?

A Yes.

Q Okay. Was he white or black?

A He was Caucasian.

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Q With the hat on, could you tell what his hair looked like?

A No, I could not.

Q And so at some point then you said you went to Northwinds to tell Michael Brown's family?

A Yes, really I went up to go talk to his granny. By the time I came down, his auntie was already coming up the street, and I couldn't see, I guess --

Q So you went to tell his grandmother what happened?

A Yes. By the time I got to Northwinds, she was already walking out of her parking lot.

Q The grandmother or the aunt?

A The grandmother. I had walked past the aunt, I gave her a hug, she bust out crying. And then I'm like, where's grandma? I don't know, I think she's down there.

So I'm walking towards my house, again, she lives directly across the street from me. And by the time I got to her parking lot, she was already walking.

Q So when you first talked to the police on the 13th.

A Yes.

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Q That was because they came to your house, right?

A Yes.

Q So you never said anything to the police or called them and say, hey, I saw it, I need to talk?

A I did not. I was more intimidated because after what I had saw and then I was at a family member's house that lives in Jennings.

And my mother called me and she was like, the police are looking for you. I'm like, for what? She was like, I don't know. Even my neighbors told me. They told me there was people at the back door, police officers at the back door at my side windows and at the front door. I don't know how many it was, but people was calling me and warning me. Like they said, they came to my house like I'm the one that had something to do with killing him.

Q Okay.

A That's how I can say how deep they tried to swarm my house.

Q They didn't have a SWAT team?

A No, it wasn't nothing like that.

Q With AK-47s.

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A That wasn't necessary if only thing you want to do is talk to me.

Q All right. And I understand you were not wanting to come talk to the police, I get that. But at some point you did go and talk to the police and you told them about what you saw?

A Yes.

Q And you admit today that at lot of what you told them on that day you didn't really see it?

A Yes, it was more of me just finding out stuff here and there.

Q , did you feel any pressure from other people in the complex or Michael Brown's family or did you feel like it was an obligation that you had to say that you saw those things when you really didn't?

A I didn't think it was, I don't think nobody would lie about something.

So in my mind, I honestly believe that's what happened.

Q Okay. You now know that you didn't see those things?

A I did not.

Q At some point did you hear about the autopsy that was performed by someone that the

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family had hired?

A No, I didn't. I didn't hear about nothing.

Q You didn't hear about that?

A No.

Q You originally told the officers, or told the police that you saw the officer stand over Mike Brown after he fell in the street and stand over him and shoot him four more times.

A Yes, that is what I was told, yes.

Q And that would mean he had gunshot wounds in his back, right?

A I guess.

Q He's laying on his front, right, facedown. So any gunshots wounds would have to be entry wounds somewhere on his backside, right?

A Yes.

Q But you didn't see that?

A No.

Q But you did hear eight more shots fairly quick in succession, right?

A Yes, I don't know if it was eight, but I could say it was more than five.

Q This is after he was already laying on the pavement?

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A Yes, after I seen him drop, yes.

Q If the officer were to have hit him with those bullets, again, those bullets would of had to have come, enter his body from behind, don't you agree?

A Yes.

Q Okay. Um, and first of all, not first of all, I wanted to tell you, and Sheila and I talked to you before you came in. We're really sorry for your loss of your friend, and I know that he was your best friend and the two of you were very close. You understand when Sheila and I were talking to you, one of the things we said is we want to have everybody who said they saw part of this come forward so we can figure out what happened.

A Yes.

Q Okay?

A Yes, ma'am.

Q You're not in trouble, we just want to hear what you say you saw and they're going to have to figure out what happened, okay.

Is what you said today truthful?

A Yes.

Q Is there anything important that you're leaving out?

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A No.

Q Is there anything else that you think this grand jury needs to know that maybe I didn't ask you about?

A It's just about, not just, I've been dealing with, trust me, I've lived out in Ferguson for, I can honestly say about almost six years. Harassment, yes, I dealt through that growing up over there in that area.

I was even like pulled off of my school bus one time telling me I broke in someone's house. And when I asked them why would I break in someone's house when I was at school, it is always harassment. They pull up on you and just ask you questions. Where you going and just all type of, just harassment like.

I should be able to live, I should be able to feel safe where I live. I've got nephews growing up around this area. I feel like it's not the right environment for kids to even have to grow up like. Even Michael Brown being shot, that was a regular day, people walking dogs, kids out there playing, that's not the type of scene for anything to go down like that.

And then to leave him sitting outside

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for hours so the whole community can see it, kids and all, I feel like that's the most form of disrespect. Not just to Michael Brown, but to his family. That's not something they should just have to sit there and look at.

And then another thing, for his memorial to be burnt down and for me to honestly see that with my own eyes, his memorial going up in flames. Like there was gasoline poured on it. Like they tried to say on the news, I don't know if they said on the news, but they said that candles started the memorial to burn it down.

Now, I'm out there, I live out there every day. The candles are always in the middle of the street. There was not a candle over there by the light pole for it to blow up and make that type of explosion and it's on videotape. One of my family members actually got a video tape of it, he put it on viral, he put it on Facebook viral.

For me to go out and see two Caucasian Ferguson officers sitting by my sister's parking lot sitting on the car looking at it go up in flames.

And it took the only African-American that was out there to come put it out with a fire

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extinguisher, that's disrespectful. And I honestly feel like that.

And he already got killed, people throwing dirt on his name and all of this, for his memorial to be burnt down. I don't think that that's right at all.

For a person that was kind hearted who did nothing to nobody. Just because he was big didn't mean a thing, that man had a heart of gold. If he had it, he would given you his leg or vice versa because that was like my brother.

Q You know, , I think what you are talking about, what has happened since Michael Brown's death.

A Since the death that I have been going through out there at Ferguson.

Q But it has opened a lot of people's eyes about what really has been going on. And I understand that both before and after Michael Brown died.

What this grand jury is going to have to decide is what's going to happen involving the death of Michael Brown. We can't fix the problems that happened before that and we can't necessarily, you know, we're not responsible in this proceeding

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to change the future.

I understand what you're saying and a lot of people are saying the same thing. What I need to know, and they might need to know, is there anything you might have left out and forgotten about and now you remember?

A No, no, that's what I remember seeing.

Q Okay.

MS. ALIZADEH: I don't have anything else. Sheila, do you have any questions?

MS. WHIRLEY: I don't. Grand jurors?

I had a question. Was Michael Brown ever with you when you were harassed by the police or do you know of any situations where he told you a story that he had been harassed?

A Not him personally, but me, yes. Not with him, but we were harassed by -- because Northwinds has and Canfield have security guards. We both were harassed by the security guards that legally got the right to hold guns and all that type of thing. Police-wise me and him together, no. If I was ever harassed, it was either by myself type of situation.

MS. ALIZADEH: , I forgot to ask you, do you wear glasses?

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A No, I do not.

MS. ALIZADEH: Is your vision good without glasses?

A Yes, my vision is very good.

Do you know if Michael Brown --

A Excuse me, I didn't hear you.

Michael Brown, has any kind of job during the summer, after he finished the school he work?

MS. ALIZADEH: Did he have a job?

A No, he did not at the time, no.

Do you know where did he get the money for the Cigarillos and the marijuana?

A Personally, no. I can't vouch for that, I don't honestly know.

No, thank you.

Do you know if Michael had smoked that morning on August the 9th.

A I honestly don't know, I honestly don't know. I don't know the night before if he had smoked when he had left my house and did what he did, I don't know honestly know, but me and him together, we did not smoke that morning, at least

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not with me he didn't. I can't honestly say if he did or didn't, but with me personally he didn't smoke.

You had mentioned before that you guys were talking?

A Yes.

Talking, or early that morning talking and talking over things of life, life lessons or whatever?

A Yes.

You and Michael. And I believe you had mentioned that he was, you're talking about family problems or whatever that some difficulties that you each were experiencing?

A Yes.

In your own lives. Can you tell me why it was that Michael was living with his grandmother at this point?

A I honestly don't know. From my understanding, him and his mother was always in tit for tat. But I don't know honestly why he was living with his grandmother, I honestly don't.

It was like he was bouncing around from house to house. Cause at first he was with his grandmother in Pine Lawn when he graduated from high

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school, that's where he was living, but during the summer he was out there at Northwinds at his other grandmother's house, which is his mother's house with me basically almost every day. I honestly don't know why.

MS. ALIZADEH: where did his mom live?

A I know currently right now --

MS. ALIZADEH: Not now, last summer, where was his mom living?

A She had just got a house I say, I have to say it was about May she was living on in Dellwood. It really was nothing but like about five minutes away from his grandmother's house.

MS. ALIZADEH: But Michael wasn't living with her?

A No, we would go over there sometimes and go hang out with his little brother and his little sister, which is basically my little cousins now.

MS. ALIZADEH: Did Mike ever talk to you about why he didn't live with his mom? Was it because he, they had problems, or was it because he liked living with his friends?

A I honestly don't know what they were going through between the mother and son relationship,

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that wasn't really none of my business to, you know, ask him or anything.

MS. ALIZADEH: He was like your best friend, you didn't talk about that?

A But that wasn't none of my business, that was his family. I couldn't really come in between like put some thoughts in his head or none of that. So we ain't never talk about that.

Q What about why he wasn't living with his grandma? You said you knew.

A That last little week, I don't know, they was just bickering and arguing a whole lot. And he got mad, I guess, they had an argument, he stormed out of the house and then he was at my house.

Q Do you know what they argued about?

A I don't, because I was already at home, he just came and told me. She don't believe in me and I don't know what she said she was going to believe, I don't know if was the music thing we were doing. I honestly don't know, but he was just like she don't believe in me or something.

MS. WHIRLEY: Is this the same grandmother that was in the hospital that you are talking about?

A Yes, yes.

MS. WHIRLEY: So she was in the hospital

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at the time?

A Yes. I don't know if him storming out had something to do with her going to the hospital or if it was just a whole bunch of stuff just adding up. But, yeah, she was in the hospital at the time, that's why he couldn't go to her house and get any more clothes because there wasn't nobody there. There was no family member there or nothing because she was at the hospital.

MS. WHIRLEY: So she went to the hospital after he stormed out?

A Yes.

MS. ALIZADEH: But she was there, she was home on the day of the shooting?

A Yes, she had just came home that day.

MS. ALIZADEH: I'm sorry. You know, I think part of the responsibility of the grand jury is to find the truth in all of this.

A Yes. We are here also to get to know Mike. We didn't know him.

A I can guarantee you if he was here today you would all love him. He was a fun, outgoing person. He was never uptight, I'm the one usually

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with the attitude. He would have to tell me, he used to have to tell me to calm down and stop being so serious about things.

We didn't do nothing. We did smoke marijuana, but if we did, it was in an enclosed place, it wasn't like we was out in the public with it, we would just smoke and play video games and just chill like we normally would do.

One thing I did want to ask if I could, was there, to your knowledge, or do you know any of the family history, was there any history that Michael Brown may have any type of like what they call ADD, Attention Deficit Disorder, hyperactivity, or anything of that nature?

A ADD is when you like can't stop moving and got to move around all the time.

Well, yeah, lose focus.

A No, he was more of a home body. I used to have to like go get him and make him put on clothes and walk to the store like. And really and truly his granny was overprotective of him.

At that time I was one of them like why is she overprotective, now I know. Now after the fact, I know why she was being so overprotective of him.

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MS. WHIRLEY: Why was it?

A Because of situations like this. Because if you notice, the people that don't deserve it, it usually happens to them. He didn't deserve it.

There's been testimony that in speaking with Michael and he was giving a response back to somebody, that Michael would have the action of raising his head and fluttering his eyes while giving a response and doing that repetitively, you know, whenever he gave a response, he would raise up his head and, you know, flutter his eyes. Was that a common practice that you noticed of him?

A I honestly, I never really paid attention to that type of thing. I honestly didn't. I can't honestly say I have. But whatever he say he usually meant it and whenever he said something, it usually was deep and had meaning behind.

All right. Thank you,

MS. ALIZADEH: I just want to ask you something because we talked about, you know, knowing something about Michael Brown because, obviously, none of us knew him and you knew him very well.

A Yes.

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MS. ALIZADEH: Have you seen or have you heard that there was video that was aired that showed Michael Brown stealing some Cigarillos.

A Me, honestly, I wasn't there. I ain't never see the tape so I can't honestly speak on that, I really can't.

MS. ALIZADEH: Okay. Would you think that that was out of character for him?

A Honestly, I don't think that was the case.

MS. ALIZADEH: So you don't think that he did that?

A No, I can't really speak on it, I didn't see the tape or anything. It was just a lot of speculation I heard.

MS. ALIZADEH: Okay. I'm saying if you assume that that was him in the video.

A Me, personally, I couldn't see him doing nothing like that, no.

MS. ALIZADEH: So that would be something you wouldn't expect Michael Brown to do?

A No, huh-uh, that ain't the type of person he was, at least around me.

MS. ALIZADEH: You've seen him high before?

A Yes.

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MS. ALIZADEH: Did he do things out of character when he would be under the influence of drugs?

A No, usually he would just fall asleep.

MS. ALIZADEH: Okay.

A He usually just fall asleep and I fall asleep right along with him. And she would come in there waking us up and kick me out of the house like she always do.

MS. ALIZADEH: Did you ever know him to have like a quick temper?

A No, I'm the one with the quick temper. It was usually always him telling me to calm down.

MS. ALIZADEH: So like never heard about him getting in any fights or anything like that?

A No.

MS. ALIZADEH: Okay. All right. So you say you don't know why he couldn't live with his family, it was none of your business. I don't mean to disrespect your friend, the problem I have with that is you say he's your best friend and he is living with your sister who is pregnant and has two small children in the home.

A Yes.

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: And you never thought to ask him why he couldn't live with his family member, did you think it could be some type of volatile situation your family could be put into?

A No, cause I didn't think about it like that. We was together all day anyway, so my sister was the one that told me it wasn't no problem with him coming over.

: Okay. And you did say that you did --

A As long as I've known him, he was never living with his mother from the get-go. He was always living with his grandmother, that's how we met from his grandmother's house because we went to school together.

You don't know why his grandmother was in the hospital, could it possibly have been from their argument?

A I don't know. I don't know if it was slowly just building up, building up, I don't know if she was depressed, whatever sent her to the hospital. At that point in time she was in the hospital for a few days.

: This is his grandmother, he told you he stormed out and left, he couldn't

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live with her.

A Yes, they was arguing.

Again, I don't mean to talk bad about your friend, you feel like that is okay behavior to do with his grandmother, find it hard to believe he had similar behavior with a stranger?

A No, it is not like that cause I was going through problems with my mother at the time also, that's why I was living down at my sister's house.

I really don't know what their problem was, but I know I was already going through my own little situation to be in his life at that time. I just knew he was my friend and I was going to look out for him. I guess just the way I know he would look out for me.

Regardless?

A Yes.

I have on page 16 of your recorded statement, you said with his hands on his knees like this.

And then later you said he was on his knee, he was on his knee, he was on his knees, and then today you say he was on his knees with his hands up. Those are three very different.

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A No, I know what I said, and I said he was on his knees with his hands up. When I looked out the window every single time that part has never changed.

So you are saying that what we heard is wrong, what we heard you say?

A I said every time he had his hands up in the air on his knees. I can vouch for that, I know specifically what I said.

Okay. And today you said that you heard Michael tell Dorian Johnson to run for his life and you saw Dorian Johnson leave. Now today you are saying you didn't see Dorian until you went downstairs. Did you not actually hear him say run for your life?

A I didn't, that's what Dorian told me.

Okay.

A He said that's the last thing he heard him say, "Bro, run for your life."

Okay. So, again today, let me just check, because I don't remember you telling us in today's statement that Michael was pleading for his life. Because in your past statement you said you heard Michael pleading for his life. Please don't shoot, please don't shoot,

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but you couldn't hear the police.

A It is just like what I told her earlier, she told me not stuff that I heard and I admitted the first interview was most speculation and stuff that I heard either from Dorian, neighbors, it was just a whole lot of talk.

: And that's why I'm asking you because we don't know, there is three different things that you said and I'm going to ask you this as well, it is a hard question for me to ask, but the first one you have admitted is not really what happened.

A Yes.

And the second one, which is a little less intricate, yeah, it happened, but not so much. How are we, in the first statement you even told somebody to look into your soul and to look into your eyes, that you would never ever lie, how do we know that today's statement is the truth?

A It is not a lie if the person was actually there, told me exactly what happened. So I didn't feel like it was a lie. I didn't feel like it was a lie at all. And the way that Dorian came to me, the look he gave me in his eyes, he wouldn't lie to me about something like that knowing that that was my

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best friend.

: So you don't feel what you said on the first interview was a lie because somebody you trusted told you the truth?

A I don't think it was a lie, no.

You don't believe you lied?

A No, I don't.

: Thank you.

MS. ALIZADEH: Just to clarify then. After that question, you didn't hear Michael pleading for his life?

A No, that's what I was told.

MS. ALIZADEH: Okay. So from where you were you could hear the gunshots?

A Yes, that's the only thing I could hear.

MS. ALIZADEH: You couldn't hear, you didn't hear the officer say anything?

A No.

MS. ALIZADEH: You didn't hear Michael say anything?

A No.

MS. ALIZADEH: You didn't hear Dorian if Dorian was out there, you didn't hear anything from him?

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A No, he told me what happened after the fact of it all going down.

And this is again. I'm sorry, , but are you telling us that the only thing that's true about all of your statements before this is that you saw that police officer shoot him at point blank range?

A Yes.

That's the only thing that's true?

A What I saw, yes.

What you saw, yes.

. So you've explained point blank shot that you saw took place about 5 feet or so from the car, the police officer, correct?

A Yes.

: And you also explained that immediately after it happened you were down there, were you able to see exactly where that police car was located?

A It was a few feet away from them, pointing towards West Florissant. Like it was coming from Northwinds.

Could you show us with the

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laser where you saw that car as soon as you walked out?

A Michael Brown was right here, the car had to be where the C was at. If he was right here, it had to be in front of the C or where the C was at.

: So if we had photograph evidence and again, the FBI, if we have evidence showing the car is not in that location, how would you explain that?

A Um, really and truly, where the car was located really doesn't have anything to do with what honestly happened because he was unarmed, he didn't put up a fight, and he was assassinated for what reason. So, honestly, what does the car have to do with it?

The only reason I ask that is if the car was not moved and it was in that location that we've seen the photographs, then you would have been able to see any altercation if there was a fight by the car?

A I wasn't really, let me ask you a question. If you just seen your best friend get murdered, you really would be thinking about where a car was located? That's an honest question.

I understand you. This

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is , I know I empathize with you, really I do, but I think what we're trying to determine is what happened. So if the car wasn't where you think it was, where I believe you believe it was, and you couldn't see the car and all you saw was a split second of what happened, you don't know if there was an altercation between Michael Brown and the police before you looked out the window, you don't know that there was or was not?

A I never said that at all.

: That was my question to you, you don't know?

A I never said that.

Okay.

MS. ALIZADEH: Any other questions?

(End of the testimony of .)

,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

MS. WHIRLEY: It is April 16th, I'm Sheila Whirley.

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MS. ALIZADEH: April?

MS. WHIRLEY: I'm sorry, October 16th, 2014. Let's make sure we are in the right year. I'm Sheila Whirley, Kathi Alizadeh is present, 12 grand jurors are present, and we are here with .

BY MS. WHIRLEY:

Q Can you spell your name for the court reporter, do that for us, please?

A Spelled, .

Q All right, You know why we're here, I just like to go right to it. You know why we're here, right?

A Yes.

Q Because of the Michael Brown shooting that would have occurred August the 9th of 2014; is that right?

A Correct.

Q Where were you working August 9th?

A At the Canfield Apartments.

Q In what capacity, what were you doing?

A We were trenching downspouts.

Q Okay.

A Piping out downspouts.

Q What company did you work for?

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A .

Q What was your job, I mean, your title, your job title?

A I actually was in sales, so lawn maintenance, I was helping out in the field that day.

Q Okay.

A So more of an account manager than, you know, a laborer, but I was helping out in the field that day.

Q So you were acting as a laborer that day?

A Correct.

Q Were you a supervisor?

A Yes.

Q Who did you supervise?

A The laborers.

Q Okay. Were you working with an individual or a group of people on Saturday?

A On that day, one person.

Q What person was that?

A

Q You were actually his supervisor?

A In essence. He had more experience, but I was lead man on the job.

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Q I understand. Are you college educated?

A Yes, I have a bachelor of arts, graduated from Webster University, majored in marketing, minor in advertisement. And, like I said, that's the sales is what I was there for.

Q All right.

A Happen to be working in the field that day.

Q How long had you been working for this particular company?

A Um, since November, so nine months roughly.

Q Had you known , right, had you known him the whole time?

A I knew him for two months at most.

Q At most. Was this your first time working with him in the field as a laborer?

A I believe that was the first time we were out in the field together. I don't recall being, it might have been the second time out there.

Q Okay.

A We might have been out there through the week. It was really the first time I worked with him.

Q Tell us how your day started that Saturday

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morning, what time did you start at Canfield Green working?

A I'd say we got there about 8:00, 8:15.

Q In the morning, of course?

A Right. And we moved, we parked at the office, top left up there.

Q Okay. Before you move on, we're looking at Grand Jury Exhibit Number 25, and it is a map of the Canfield Green Apartment Complex; is that correct?

A Yes.

Q And you recognize it as that?

A Yes.

Q Where is the laser, you know how to use that laser pen, right?

A Sure.

Q Okay. Now talk us through what you were saying, where were you working?

A We were working right on this Building here. (indicating)

Q In the very beginning when you first got there that morning?

A No.

Q I want to start --

A In the morning at 8:00 when we pulled in

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and parked right about here, you know, we did some work around this building here, up to about 10:00. Moved around Building and Building We kind of were working on these downspouts in this area. There was a big root where this tree was and about 11, 11-ish, that's when we first encounterer Mike. (indicating)

Q Okay. Were you with the whole time while you were working, or were you working --

A No, we were working together. We had our truck parked here initially, you know, about 10:00, 11:00. We were working on this corner of the building.

Q You said you were at that location, which you identified on the map as Building

A Right.

Q Near Building when you first saw Michael Brown?

A Yeah. It was, we had moved over to the middle of the building, and when we first saw him, he came down, and was actually cutting some roots, and that was the first time we saw him.

Q Where was he coming from?

A He came down the stairwell.

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Q From that apartment building?
A Correct.
MS. ALIZADEH: I'm sorry, can you show me? I was looking down, what stairwell?
A This one right here. (indicating)
MS. ALIZADEH: Okay.
Q (By Ms. Whirley) So he comes down the stairwell, do you remember how he's dressed?
A Yes, he was wearing a gray shirt, jean shorts, Cardinals cap, he had yellow socks with pot leafs on them and sandals.
Q With pot leafs on them?
A Yes.
Q You recall him wearing jeans?
A Jean shorts.
Q Jean shorts, okay. When he comes down, is he alone?
A He was alone.
Q All right. And what made you even notice him?
A Uh, he mentioned something, said something about cutting through a root and how he was a little frustrated with having to cut through it. You know, he said one of you two mad about something? I'm getting a bad vibe.

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Q He was talking to ?

A Yeah.

Q But you were in earshot?

A I was standing right behind him getting ready to hand him whatever tool he needed to get the job done.

Q I see. And when he said, he said what now again?

A He said, one of you two mad about something I'm getting a bad vibe.

Q And did say anything back or did you?

A said something to him in the effect of, it was what he told me and what he told him were two different things. It was something to the effect that my boss shorted me 60 cents on my paycheck, you know, just making light of the situation.

Q Did he say that in your presence to Mike Brown?

A Uh, I didn't hear what said, but that's what told me he said. That's kind of hearsay, I don't know exactly what he said to him, it was something to diffuse the situation. Just kind of a light comment.

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Q Okay. To diffuse the situation, was there a situation?

A He came up and said, one of the two of you mad about something, I'm getting a bad vibe.

Q Did you hear them discuss anything else?

A At that point, no. I know that they had a long conversation in this area right here where the truck was initially parked. I was working on digging the trench.

Q But at that point, they weren't talking, they didn't have a long conversation really when he first came down the stairs?

A After said something, I didn't really catch what said, but I heard Mike say, you know, if you turn to Jesus, he'll save you, whatever, something to that effect.

Q So Mike is talking about Jesus?

A Right.

Q And did they continue to talk, or what happened next?

A Uh, yeah, the conversation kind of, you know, started here and then went back to the truck for a tool or something, and Mike followed him over there. And they talk and I continued to work on the hole, I don't know what all they talked

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about.

Q You couldn't hear them?

A Not from the other side of the truck. I did go over after a few minutes and kind of go, hey, we're trying to work here. You know, they were talking about pictures of Jesus on the wall and different things.

Q Okay. Did Mike, and we know who we are talking about Mike Brown, the young man that was killed. Did he appear to you to be in an agitated mood or aggressive, or anything like that?

A He flinched his fist a couple times and looked up at the sky when they were over here talking, I came around to see what's going on, he flinched his fist a couple times and like looking up. I kind of found it odd.

You know, take a step back whenever we were over here in this conversation, they were talking about the socks, and Mike said, you know, you've got to try everything in this life, you know, everything to figure out where you want to go in this world. And that kind of led me to believe he is probably high.

Q Okay.

A And he kind of seemed that he came down

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when he was talking to over here, like he came down from the high.

Q Describe what that looked like, him coming down from a high?

A It was them talking about pictures of Jesus on the wall and said something to the effect of how you might have a picture of Jesus on your wall, well, the devil has got a picture of me on his wall. Whenever I come down, he's going to be the person in charge. he's a character. I don't know if you guys have seen him.

At the end of the conversation when it was all said and done, Mike said, you know, nice talking to you, and he shook hand. I could kind of tell that he was grounded, you know.

Q Okay. Describe to me why you think he was coming down from a high, what was he doing that made you think that he was high?

A I can't say for sure.

Q Because of the socks?

A It is more of an assumption.

Q Let me ask a question or two. Did you smell marijuana?

A No.

Q All right. Did you see him smoking any

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marijuana?

A No.

Q Did you see him handling marijuana?

A No.

Q Okay. So tell me about your assumption again.

A The socks.

Q Oh, the socks, okay. He said nothing was wrong with smoking?

A I was up there for four weeks and it was a day-to-day thing I smelled marijuana a lot around all of the apartment buildings. Don't get me wrong, you know, I don't want to stereotype anybody, but a guy with marijuana leafs on his socks is probably smoking marijuana.

Q I was curious about whether you thought he appeared high though that morning when you saw him, and that's why I was asking a few detailed questions about it. There was nothing that made him appear high except for the socks?

A Right. And the fact that he came down asking if one of us were mad, you know, kind of paranoid, you know.

Q To you that seem kind of paranoid?

A Right.

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Q All right. You said, show us again where he followed .

A So our truck was parked kind of catty-corner to this building here, you know, directly out. And they were on the driver door here, they were over here talking. I was over here digging this trench. I walked around and kind of came up and heard the end of the conversation.

Q What was that, is that when they're talking about Jesus on the wall you mean?

A Right.

Q And then what happened?

A He said he was, see, at this point he went back up into the apartment.

Q Went back upstairs?

A Yeah, he went back upstairs. And, you know, we went back to work after that.

Q Do you recall when you saw him the next time?

A We were moving around this L shape here and moving up into this corner and into that. And he came walking from this direction. Next time I saw him, he came walking from this direction with that fellow with the dreadlocks. What's his name?

Q We know him as Dorian Johnson.

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A Dorian, right. They came up and was back over here talking to them.

Q And how long ago, tell me the timeframe from when you, when he went back upstairs and then you saw him later with Dorian?

A I would say 10, 15 minutes, you know, somewhere roughly in there.

Q Had he changed clothes, Michael Brown, or was he in the same clothes?

A Same.

Q Okay. All right. So he comes back with Dorian, do they come and talk to you?

A No, they had a conversation over here with . I was over in this area by then moving my way around.

Q So you weren't within earshot to hear what they were saying?

A Correct. And you know after a while I came back over to the truck, kind of see what's going on, hey, let's get back to work here and they dispersed.

Q You say they dispersed, describe --

A Well, I walked over and, you know, hey, let's get back to work. was like, all right. The two guys, Mike said that they were going to

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continue the conversation when they got back. And that's when they went to the convenience store.

Q Which way did they travel?

A Uh, they just went up the street here.

Q This would be West Florissant here? (indicating)

A Right.

Q Okay. And then what was the next time you saw them?

A I never saw Darian?

Q Dorian?

A Dorian, I never saw him again.

Q Okay. When is the next time you saw Mike Brown?

A He was in this vicinity right here. (indicating)

Q And what was he doing?

A He was moving down the street.

Q Okay. Did you ever see him in a tussle with a police car?

A Never did.

Q Police officer?

A No, I think that happened back here. And, like, I said, at this point, so they went just to timeframe here. So they went to do whatever, and I

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had to go get the bobcat, which was parked up here and in my process of going over here and coming back and started digging some trenches with the bobcat, I was in about this location here and heard a gunshot. (indicating)

Q Okay.

A I heard a loud bang. I didn't know what it was. It sounded like a bunch of PVC pipe hitting the ground, if you know what I'm talking about.

I stepped out in about this location. We had our truck parked right about here. At this point, like I said, we were moving around. I stepped out, I was about right here. I saw Mike Brown come out behind the building, he was moving at a pretty good clip. (indicating)

Q He was doing what?

A He was moving at a pretty good, you know, kind of getting away.

Q Like trotting or walking fast?

A Right.

Q Okay. And what else did you see?

A I saw what appeared to be him getting shot in the back.

Q Shot in the back. Why do you say it appeared that way?

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A Well, he was running, I heard a gunshot. He was about here at this point. I heard a gunshot and he kind of stumbled, and then he turned around.

Q Can you do us a favor and stand up, please?

A Sure.

Q And show us, you know, what happened that made you think he might have been shot from the back or somewhere in the back, and then turn around for us the way he did?

A It was more of --

Q Why don't you face the door?

A It was more of a, you know, kind of like, I don't know how fast he was moving exactly, he was going like this. I saw him, you know, kind of take, you know, take a little step down and he caught himself and turned around and had his hands up. (indicating)

Q He had his hands all the way up like that?

A Right.

Q Sure of that?

A Positive.

Q Did he say anything?

A He yelled okay, okay, okay, multiple times.

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Q Okay. And at that point, what is the officer doing?

A His gun's drawn, standing there pointing at him. I never heard him say anything.

Q But you were within earshot to hear Michael Brown?

A I heard him screaming.

Q And you never heard the officer say, did it appear that the officer was saying anything, you just couldn't hear it, it didn't appear he was saying anything?

A Right.

Q And what was he doing, I know you said he had his gun drawn, did he just stand there with the gun drawn?

A Yes.

Q And never did anything else?

A Well --

Q Why don't you tell us what happened?

A So they were about right here at that point kind of, you know, on the street, and Mike Brown started walking back at him okay, okay, okay, hands up and he just started shooting at him.

Q Okay. If I'm the officer, how was Michael Brown walking toward him with his hands up?

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A Like this. (indicating)

Q Okay, all right. Was he saying, stop, get down, nothing?

A No.

Q Okay. And any idea how many shots were fired at Michael Brown as he was walking towards him?

A Six to seven, and I would say after the third shot he kind of went like this and it was more of a, he moved a little quicker, and then kind of, I saw him falling and disappeared behind a building. I was right here behind the truck at that point, and then the shots must have been, you know, right here going towards this building, and I'm standing right here.

And I'm seeing, I'm like, what the heck, I'm standing behind this truck and, you know, they kind of come together there and he, I don't know what else to say.

Q Okay.

A He fell, he fell on his face behind that building, but I didn't see.

Q You saw him going down, you couldn't see him hit the ground is what you mean?

A (Nods head.)

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Q Later at some point you came from behind that building and could see him on the ground?

A After it all happened, we walked up to this knoll right about here and that's when they were taping it off and everything.

Q Could you see the officer when he hit the ground, from your vantage point?

A Where this car is at, I mean, they were about 10 feet apart. And the officer kind of backed up. He might have been standing right here at this corner, the officer and I didn't see the final part of that so.

Q Could you tell, and maybe you just told us. I'm going to ask to make sure, could you tell how far apart Mike Brown and the officer was when you saw him shoot him six or seven times?

A I'd say less than 15 feet.

Q You see where we are, I'm going to walk out.

A That's about it.

Q Not any further back?

A No.

Q From where you are to me?

A Right.

Q Is about how close they were?

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A Yeah.
Q All right.
A And the officer was backing up as he was firing.
Q As he was firing. Okay. Now, you wrote a written statement, you made a written statement; is that right?
A Yes.
Q And when did you write your statement?
A Uh, approximately 2:00, August 9th.
Q That day. So right after it happened you wrote a statement?
A Yes.
Q Why did you do that?
A The guy I was working with, he was talking to his old boss. Well, you should probably write that down what happened, and then I probably should too.
Q Did you guys sit down and write your statements together at the same time?
A Uh, probably about as far apart as him and I, but no words were spoken. It was our own judgment or our own take on the matter.
Q So you didn't like talk about, hey, what are you going to write, I'm going to write this,

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what are you going to write, that kind of thing?

A Right.

Q You each wrote independently of one another?

A Yes.

Q Did you look at his statement when you finished writing?

A I did read it.

Q Did he read yours?

A I read it to him.

Q You read your statement to him and did that make him change his statement?

A No.

Q And you reading his statement, did you change yours?

A No.

Q Why don't you have a seat for us. I'd like you to read that statement. You have it, right?

A Yes.

MS. WHIRLEY: We have copies for you. I just want him to read it now.

A On Saturday, August 9th, at approximately 12:15, I witnessed one white male police officer gun down and kill one black male.

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Initially, I heard a single shot fired and peered around the corner to see a black male walking away, at which time I heard another shot and saw the white cop behind the black man. I was about 50 to 60 yards away watching the black man stumble away from the officer and turn with his hands raised yelling, okay, okay.

Officer proceeded to unload his clip into the black man, at least six to seven more shots.

Thirty minutes before the incident, fellow co-worker spoke with the black man who spoke of Jesus and life and honest people. Mike was his name. He was wearing a Cardinals ball cap, gray shirt, jean shorts, with yellow pot leaf socks and sandals.

At the time of the incident after hearing the first and second shots, I stood there like a deer in the headlights, stunned to see and believe what was happening.

Mike said he was going to the convenience store to get a few things and would be right back. We were working on his building and engaged in conversation. He seemed like a nice guy.

Q That is accurate as to how you remembered

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it that day?
A Yes.
Q Okay. Now, you didn't mention anything in your written statement about him appearing high or intoxicated or anything?
A Right.
Q You didn't think about it then or what made you think about it later?
A Just the pot leafs on the socks.
Q Okay.
A It was more, you know, I got to thinking about it, you know, why was he questioning if we were upset and why was he, not that I have a lot of experience with it, I've seen it. That was the evidence for me.
Q He didn't try to sell you any pot or have a smoke with you or Steve or anything?
A No.
Q Okay. Did he appear at the time that you saw him to be a threat to the officer when he was being shot, when he was coming toward the officer?
A No.
Q Okay. Did he appear to be coming toward the officer in an aggressive way?
A I mean, that's subjective.

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Q I'm talking your opinion?
A See, I kind of have a mixed opinion on it.
Q Okay.
A I take the hands going down and kind of moving quicker towards the cop as either I'm falling to my death or okay, you've already shot me a couple times, I'm coming at you.
Q So it could be either of those. So when he had his hands up, what was your impression then when he was saying okay, okay, okay?
A Initially I was like okay, he's giving up, you know, that was my impression.
Q Okay. And did you ever see a weapon in his hand?
A No.
Q Were you close enough to see if he had a weapon?
A Yes.
Q How is your eyesight?
A I wear contacts, so it is 20/20.
Q You had them on that day?
A Yes.
Q And your hearing is good?
A As far as I know.
Q You hear me pretty well, right?

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A Yes.

Q The other person, and his name is Dorian that we talked about, did you see him at any point when the shooting was going on?

A No, like I said earlier, I never saw him after he was, they were going to the convenience store.

Q Okay. You never, I think you already answered this too, so bear with me. You never, once you came back after the shooting was over and you came out, what did you see as far as the scene was concerned, describe that for us after the shooting was over.

A All I saw was there was, at this point, there was three cops. The other two cops showed up, it must have been as it was happening or right after. They came up and they are all staring, looking at the ground. Mike Brown's laying about right here, and one of the cops grabs a roll of tape and starts taping it off.

Q Did you notice a police car or just a lot of police cars around at that point?

A There was an SUV, I believe, right about in this vicinity and that was --

Q Near the body?

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A Yeah, a little past it. He bled out on the street.

Q Were you there much longer after this shooting occurred or did you get out of there soon after?

A We got out pretty quick. and I, you know, he said we probably should go, you know, being two white guys, that's just my feeling. He said we should probably get out of here. I think things about to go -- sorry.

Q I'm sorry.

A Things are about to escalate, all kind of people out here.

Q Was it escalating?

A Yeah, people coming out of the freaking apartments like nobody's business.

Q Were they saying anything?

A Um, there was a fellow that came up here in a red car, he pulled up about right here, he jumps out and he yells, he was no fucking threat. If you saw the video, goes, yeah, he had his hands up. He had his fucking hands in the air, or whatever he said.

Q Right. And that was you and in that video?

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A Yes.

Q was wearing the pink shirt?

A Yeah.

Q Okay. You're not still working for that same place; is that correct?

A Correct.

Q And does it have something to do with the shooting?

A Yes.

Q Tell us a little bit about that.

A Uh, essentially my anxiety was so high I couldn't return to work, took off that Monday, the 11th, filed I didn't want to miss pay for that day and my boss let me go.

Q Did he tell you why he let you go, did he actually tell you he let you go because you filed ?

A It was, he said it was my performance.

Q Okay. And you had worked for him for nine months?

A Right.

Q Had he ever complained about your performance before this day?

A No, and I wasn't a laborer, I was out there making sure the job got done.

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MS. ALIZADEH: I couldn't hear what you said, that last part.

A I said that I wasn't a laborer, my job wasn't to labor, I was out there just to make sure that the job got done.

Q (By Ms. Whirley) Now, how did you come to, since you left that, you did write a statement that same day, but you left. How did you get to talk to the police or the FBI about what you saw, how did that happen?

A Uh, they showed up at my house. I had a St. Louis County detective show up, and after that another St. Louis County detective, along with an FBI agent. And then a third time they picked me up, took me down to Clayton down here and put me in an interrogation room and asked me a bunch of questions that I answered the best I could.

Q Do you know how they found out about you? How they knew to come to your house?

A I don't know for sure, but if I had to guess, I'm thinking they probably got the name of the company I work for from the apartment complex and so on and so forth.

Q They are the police, they can find out, sure. When you say the first shot is what drew your

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attention that something was going on and then I believe you said you heard a second shot; is that right?

A Yes.

Q And where were you when you heard the second shot?

A At that point I was behind the truck which is parked about where that white car is. I'm standing about where the driver door is in that white car.

Q And as you're hearing, I'm sure the first shot got your attention as you just said?

A Right.

Q When you hear the second shot, are you looking in any particular direction to try to figure out what is going on?

A I was back here, I kind of came out here and was over here working on something. And, um, you know, I'm looking over at , you know, thinking is that a bunch of pipes going on the ground, which didn't make sense to me we had a lot of pipe on the ground. So I didn't know what it was.

Q All right. Could you see anything happening when you heard the second shot?

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A Yes.
Q Tell us what you saw.
A I saw Michael Brown, just Michael Brown walking to the right as we are looking. He was walking down the street here.
Q Like going east?
A Right.
Q Away from the officer?
A I couldn't see the officer, but yes, it was away from the officer.
Q Was he walking or running?
A It was a fast pace.
Q Fast pace?
A Like we talked about earlier.
Q You heard a shot as he is moving away from the officer and that's why you thought he was shot in the back?
A And that's when he stumbled.
Q Okay.
MS. WHIRLEY: Kathi, do you have anything?
Q (By Ms. Alizadeh) I stepped out and I missed part of this so I don't want to get too repetitious, but did you hear when Michael Brown, at any time Michael Brown was talking to did you hear them talking about marijuana or weed?

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A Just the comment of the socks.

Q Okay. Did you hear say anything about wax?

A No.

MS. ALIZADEH: Did you already ask about that, Sheila?

MS. WHIRLEY: Not about wax.

MS. ALIZADEH: I didn't want to repeat things if that was already covered.

A I was asked that by the detectives when they brought me up here, but I never heard anything like that that day.

Q (By Ms. Alizadeh) So just so I can be clear, you first saw Mike earlier in the morning and he was by himself and he spoke to a little bit and you were kind of not involved in the conversation?

A Right.

Q All right. And what you heard of that conversation was basically him talking about what, Jesus and being angry or something, you're shaking your head, but that doesn't, nobody --

A Oh, yeah, that is correct.

Q You have to say out loud.

A Yes, that's what I got from it.

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Q All right. At that point did you see them touch each other, shake hands, exchange pieces of paper with anything, did you see them in any contact with each other?

A No, just the end of the conversation when Mike shook hand and said, you know, we'll continue this.

Q So I'm trying to get at, there is this first encounter where he's talking to and then he goes, he leaves and then there is a second encounter where he and Dorian are talking to , okay, right?

A Right.

Q So did Dorian shake hand after the first encounter or after the second encounter?

A Dorian never shook his hand.

Q I'm sorry, Michael Brown?

A That was the first encounter, Mike shook his hand.

Q Okay. And then you also talked about that at some point Mike and went over by his truck, on the side of Steve's truck?

A The initial conversation.

Q That was the initial conversation?

A Yes.

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Q Okay. Could you see what was happening when they were by truck?

A I saw them talking.

Q Okay.

A I mean, until I went over there and heard them talking about pictures of Jesus, I really didn't, you know, I just kind of saw them over there talking.

Q Okay. So you really weren't paying that much attention at that point?

A Right.

Q So when I said though, when I said could you see them, what I'm trying to get at is, were they at a place where your view of them was obstructed by anything?

A Yeah, they were on the other side of the truck.

Q Okay. So there is a time when the two of them walked to the other side of the truck and you can't see what's going on?

A Yeah, the whole initial, the first conversation, they were on the other side of the truck. I mean, I came in on the last bit of it, but I really couldn't see them except their heads through the windows.

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Q Okay. So, and then Mike Brown leaves, you said when he initially came out, did you say he came out of this building, Number

A Yes.

Q And then when he left, did he go back in that building or leave?

A Yes, yeah, yeah.

Q Yes? And then you said then the next time you saw him he was somewhere around here? (indicating)

A Right.

Q You didn't see how he came out of that building --

A Correct.

Q -- at some point? So the next time you see him he's around here? (indicating)

A Right.

Q Is that when he's with Dorian?

A Yes.

Q Do they walk back to your direction?

A Yeah, they walk to about right here where the truck was parked. (indicating)

Q And they start talking to again?

A Yeah.

Q Do you see either of them go back into

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this building?

A No.

Q So my question is, they could have, but you didn't see it or they did not go back into the building?

A I can't say, I mean, I was over here doing some work, I don't know. I mean, I don't know if they went back up here and they came back down here. I saw them.

Q Okay.

A I just saw them. I don't know how they got there.

Q Okay. And so at that point then, after they left and they said they would be back, was it Mike that said that or was it the other man, Dorian?

A It was Mike.

Q And then the next thing you notice, you hear a gunshot, correct?

A (Nods head.)

Q And that's several minutes later, I guess?

A Yeah, I'd say 10, 15 minutes, somewhere around there.

Q All right. And when your attention is directed in that location or in that area, do you see Mike Brown before you hear the second gunshot,

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or do you hear the second gunshot and then see Mike Brown?

A No, the first.

Q So you turn and you see Mike Brown and he's, I want to be clear on how he's moving because at one point you said a good clip, and then you said walking and then you said walking fast?

A He was running from the cop. I mean, it wasn't a run, but it wasn't a walk.

Q Okay. All right.

A He was moving away going down the street.

Q Okay. And then --

A He's a big guy, I mean, you know a run for him might be a jog to me.

Q I'm not trying to be argumentative, I'm just trying --

A No, I just want to explain the difference.

Q So then you hear the second gunshot?

A Yes.

Q And you said at that point you think that that second gunshot hit him?

A Yes.

Q And that was because of what?

A Why I think that?

Q Yeah.

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A Because he stumbled.

Q And then he turns around, okay. Now at this point, have you seen the officer at all?

A Not yet. I mean, it was shortly after he turned around that I saw the cop.

Q Okay. So when he turned around, is Mike Brown's back to you?

A Uh, they're kind of maybe at a 45 degree angle from me.

Q Okay. When he was coming in your direction, whatever pace that is, I didn't want to say running, okay, coming toward your direction, could you see his face?

A No.

Q Is that because of your position?

A Well, I mean, I saw the side of his head. I'm standing right here where that white car is and he's right here and that's a pretty good distance.

Q Okay.

A I mean, I couldn't see his facial expressions or whatever.

Q All right. And you said you heard Michael Brown screaming?

A Yes.

Q Was that before he turned around or after

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he turned around?

A Before I turned around.

Q No, Michael Brown.

A Oh, that was after he turned around.

Q Okay. Could you make out what he was screaming?

A He was yelling, okay, he said it about six, seven times.

Q All right.

A I wrote it down.

Q Okay.

MS. WHIRLEY: If I can just ask something while you are looking, Kathi. Was his hands up and he's saying, okay, okay, okay, before he was shot again?

A Yes.

MS. WHIRLEY: So when he was being shot, his hands were up?

A Yes.

MS. ALIZADEH: And so when he turned around, he moved in toward where the officer comes from in that direction, right?

A Yes.

MS. ALIZADEH: About how many steps or feet did he move?

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A In total? I would say about 20.
MS. ALIZADEH: 20 feet or 20 steps?
A 20 feet.
MS. ALIZADEH: Okay. And so at some point you see the officer appear beyond the building, correct?
A Yes.
MS. ALIZADEH: And then Michael Brown turns and moves towards the officer. Does the officer move then? Is he still coming toward Michael Brown?
A I mean, after he turned around and had his hands up, he kind of just stopped and stood there. And then that's when the shooting occurred. I mean, he was going, turned around and then started shooting, and then Michael Brown, Michael Brown was kind of moving at him like I'm giving up, hands up.
MS. ALIZADEH: So, now, you said I'm giving up, hands up. You didn't hear him say that?
A He said, okay, okay, okay, that to me means --
MS. ALIZADEH: I just want to be clear. When you said that, that was what you are interpreting, right?
A Yes.

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MS. ALIZADEH: So what I'm trying to figure out is you didn't see Michael Brown fall, correct?

A He was falling and then he went behind the building.

MS. ALIZADEH: So the building blocked, he goes beyond the building from your vantage point?

A Yeah, about this area right here. (indicating)

MS. ALIZADEH: Right.

A I saw him to about where that white car is and then he was going down.

MS. ALIZADEH: So where is the officer when that happens?

A He was about, right about this intersection right here. (indicating)

MS. ALIZADEH: So you can still see the officer when Michael Brown disappeared from your view?

A That is correct. He was kind of going straight when the officer was kind of moving back and sideways, and he kind of moved at an angle. At one point, the shots were this way and more went almost at me.

MS. ALIZADEH: Okay. And once Michael

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Brown disappeared from your view, did you ever hear any more gunshots?

A No.

MS. ALIZADEH: I don't have anything else.

MS. WHIRLEY: When you mention anger, or Kathi said something about angry, just to make sure I'm clear, it was that was angry about some work he was doing and Mike Brown said he could feel anger, is that what you told us?

A Yes.

MS. WHIRLEY: Questions?

MS. ALIZADEH: I thought you said he's getting a bad vibe?

MS. WHIRLEY: That's the words. Those were my words, I said angry, but you said vibe. I meant the same thing. Those are not your words?

A I'm getting a bad vibe, were you two angry about something, that's what he said.

MS. ALIZADEH: I'm sorry, I just want to say, this is very important.

A I hear you.

MS. ALIZADEH: All we're trying to do is best figure out what happened, okay. I know it feels like we are picking at you and we're not. Some of this stuff is very important and if you

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don't remember exactly, it is best to say I'm not sure, I don't remember exactly. That's why when we ask you exact specific things, okay.

A I'm just trying to be honest.

MS. ALIZADEH: Okay.

At the point when Michael Brown turns around with his hands up and the police officer, I guess, starts shooting at him, did you ever see him or appear that he was reaching in his shirt or reaching in his pants like he had a weapon?

A No.

Thank you.

MS. ALIZADEH: Did you ever see Michael Brown clutching his torso or with his hand where he might have been touching his torso?

A After about the third shot, he did have his hands kind of over his belly, you know, like, oh, I've got shot in the belly.

MS. ALIZADEH: Okay. So after the third shot, the total third shot, or after the third shot when you saw him?

A Yeah, it would have been like the fifth shot then.

MS. ALIZADEH: Okay. So from this

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position his hands came down to clutch his torso at some point?

A (Nods head.)

MS. ALIZADEH: That was about the fifth shot?

A Yes.

MS. ALIZADEH: Did you, could you see any blood or anything on him?

A Uh, no, I didn't see any blood. I did see the back of his shirt, you know, like somebody pinched your shirt or whatever, looked like a bullet went through him.

MS. ALIZADEH: Okay. And when you said, you said, uh, I'm shot, something like that just now, was that you interpreting his actions or did you hear him say that?

A No, that's my interpreting.

MS. ALIZADEH: I just want to make sure.

A That's the gray area. I don't know, it all happened so fast.

MS. ALIZADEH: I understand. That's why I'm asking is this something you heard or was that just something that was just your impression?

A That was my impression.

MS. WHIRLEY: Questions, anyone?

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After Michael turned around and he's advancing towards the officer and you hear the shots, was it a continuous burst of shots, was there a shot and a pause and more shots?

A It was continuous.

You think it was three or four, or how many?

A It was at least six, maybe seven, like I said, he unloaded his clip it seemed like. It was a barrage. It seemed unnecessary.

Again, after Michael Brown turned around, his hands are up, either he started walking first or the gunshots started first, that series of shots?

A He was advancing prior to the shots.

MS. WHIRLEY: And just to be clear, how long had you worked in that Canfield area?

A Four weeks.

MS. WHIRLEY: Four weeks. Had you met Mike Brown before that day? You may have told us already.

A No.

MS. WHIRLEY: Had you met Dorian?

A No.

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MS. WHIRLEY: Did you know any of the Ferguson police officers?

A No.

MS. WHIRLEY: And the officer that did the shooting then, you wouldn't have known him?

A Correct.

MS. WHIRLEY: You don't know any of these people involved?

A I have no connection to anybody up there.

MS. WHIRLEY: All right.

Having worked there for four weeks, like you said, and it sounded a bit like PVC hitting the ground or something like that. Have you ever had occasion to hear another sound essentially echo off any of those buildings, any loud sound or anything like that, you know, when you're working you drop a tool or something like that?

A Uh, no.

Nothing remarkable in that respect?

A I mean, it was right after the 4th of July, heard some fireworks, but they didn't bounce off the building. I didn't hear it echoing or anything. I don't quite understand what you're

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asking.

I'm trying to get a sense the way that's it laid out, it is tough for us to kind of visualize how it is laid out. If sound echos or travels through there very easily or it is absorbed by the buildings?

A Well, it wasn't like a normal gunshot. It sounded different and, you know, that's kind of why I thought PVC to begin with, but that wasn't the case.

MS. WHIRLEY: Anybody else?

. You said sound different. You were there, you have experience in all of those kind of things that you say this is something different to you.

A I never said I was in the Army.

That is not what I asked. You answered with him that the sound of it was different to you?

A Right.

Different with compared to what?

A It sounded far away. It sounded far away.

You don't have experience in those kind of arms?

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A I'm a hunter.

What is different?

A I've shot guns before, I'm not a stranger to them.

That's what I want to know.

A I know what a gunshot sounds like.

All right, thank you.

One more question. Just before you heard the first shot, were you operating a bobcat, making loud noise where you may not have heard if there were shots before that?

A That's a good point. I had just gotten out of the bobcat and --

Turned it off.

A Turned it off and jumped out, and then I heard that. It could have been more before, I don't know.

MS. ALIZADEH: Do you wear ear plugs when you are working around that?

A No.

(Deposition Exhibit Number 45 marked for identification.)

MS. ALIZADEH: I just want to tie this in.

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Since you read from your statement, I'm going to show you Grand Jury Exhibit Number 45. Is that a copy of it?

A Yes.

MS. WHIRLEY: We will pass that out.

: Have you really been in trouble with the law before yourself?

A No.

MS. WHIRLEY: Nothing else. Thank you very much.

(End of the testimony of)

MS. ALIZADEH: This is Kathi Alizadeh on October 16th, it is 3:44 p.m. and Sheila Whirley is here as well. All 12 grand jurors and the court reporter, , and we're going to play now a videotaped statement of , a witness that you heard previously testify. His statement is recorded on a disc that is marked Grand Jury Exhibit Number 40.

And, um, before we start recording, I was explaining to the grand jurors that there is about an hour and ten minutes of actual time where is being interviewed by the police. And so there is quite a bit of time where nothing is happening. He will be sitting in a room by himself.

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We are going to fast forward, as it were, on the counter it will be 16 hours 17 minutes and 45 seconds, or whereabouts, as close as Sheila can get.

That will be about where the interview begins, and then the interview, there's a break in the interview at 1726, 17 hours, 26 minutes and 38 seconds. Where asked for some water and the interview, there is a break in the interview but the interview never resumes after that.

So we're going to stop it at the point where he asked for water and the detectives leave the room to get water, all right?

So, at this time, also just for the sake of the recording, one of the grand jurors has indicated he is expecting a phone call that he has to take. So if I get the high sign during the recording that he's getting a call, we will go ahead and pause the video so that he can quickly take that call because we have to make sure you all are hearing the same thing, okay. So at this time, you can --

MS. WHIRLEY: One last thing I wanted to say, even though we're going to focus on the time when the interview is being conducted, you guys will have access to the whole video. So if you want to

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watch him just sitting there doing nothing, you can certainly do that at a later time.

MS. ALIZADEH: So at this time, , if you will pause the audio while we play the statement on Grand Jury Exhibit 40.

(Playing audio recording of)

MS. ALIZADEH: It is October 16th it is about a quarter after 5:00. Kathi Alizadeh, Sheila Whirley had to leave. And we are finished for the day. I just wanted to make a point in stating that we finished, or we watched a videotape interview and after a few technical glitches, we had started the interview, watched a few minutes of it in the beginning when was put in the interview room, and there was conversation between him and a detective that come in.

And then we fast forward to approximately 16 hours 17 minutes and 45 seconds when the interview began. We listened to it until just about 17 hours 26 minutes and 38 seconds when asked for a drink of water, and then that's pretty much the conclusion of it.

There was about five or six statements after that when they brought him some water. You

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all agreed you didn't need to fast forward to watch that part.

Does anybody have any questions or issues about this? And as always, this tape will be made available for you if you wanted to go through it again or watch the whole thing in its entirety, but if that's fine for today, we'll conclude now and see you next time.

(End of Grand Jury Hearing Volume XIII.)

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State of Missouri
SS.
County of St. Louis

I, , a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to

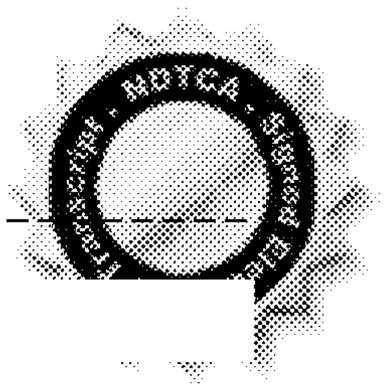
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and the answers given by said witness.

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COURT MEMO

State of Missouri vs. Darren Wilson

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STATEMENT OF DEPOSITION CHARGES

DEPOSITION OF Grand Jury, Volume XIII

10/16/2014
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Notary Public

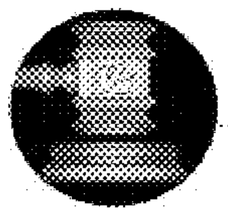
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Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury, Volume XIV

Date: October 20, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 20, 2014

VOLUME XIV

Electronically signed by 61c56709-9c35-4a02-b4ab-7fff7b3006be

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 20th day of October, 2014, before

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APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

Assistant Prosecuting Attorneys for St. Louis County

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

(314) 615-2600

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GRAND JURY HEARING VOLUME 14

MS. WHIRLEY: This is Sheila Whirley. Today is October the 20th, 2014. It is approximately 8:41 a.m. I'm here present with all 12 grand jurors and , the court reporter. Kathi Alizadeh is out of the room right now, but will be joining us a little later in the morning.

We're going to start off this morning playing recorded statements. So I have three recorded statements of . He was one of the contractors that was at the apartment complex that morning and he's already testified, but we didn't get a chance to hear his statements because he was present and we wanted to get the live testimony going. This morning we are going to go ahead and do his statements.

After that I anticipate we'll listen, we'll have a live person that will testify and that is , who says that he was in one of the cars driving in when all of this took place.

There is also one other witness, that is scheduled to testify hopefully this morning, and then we will probably have recorded statements toward the conclusion of the day.

So with that bit of an introduction, I'm

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going to pass out the first transcript of . I don't recall exactly how long this one is, but I don't believe it is very long. If you find any notes, I guess those are probably Kathi's if you see one with notes on it.

There is two short interviews of and then there is a longer interview with the police officer. So those are the three that we will play.

Probably an hour and a half total maybe. So with that bit of an introduction, I guess we'll pause the recording and go ahead and listen to the statements.

(Playing of three interviews of .)

MS. WHIRLEY: This is Sheila Whirley again, still October 20th, 2014. The two recorded statements that we just listened to were from Grand Jury Exhibit Number 24.

I'm going to now play the interview with that was conducted by two police officers from St. Louis County. That interview is approximately, well, it is less than an hour long.

There's plenty of down time in this interview where he's just sitting in a room. I'm

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going to skip through that. You have seen us do that before, however, the CD or DVD will be available for your viewing later if you want to see the whole thing, including him just sitting there.

This one is not marked, and Kathi has a scheme of numbers. I'm not going to give you a number, we will get it marked once I find out where it falls with the scheme of those things.

With that bit of introduction, we'll get started so stop the recording.

(Playing of interview Number 3 of .)

MS. WHIRLEY: That concludes the interview of . They call it DCI. That's the detectives and that's Detective and Detective

As I mentioned, I kind of skipped through just to the part where there was an actual interview. There was a lot of down time and the interview began at 15:27 and then it pretty much ended at 18:08:58. And the exhibit number for this interview is Grand Jury Exhibit Number 47.

(Grand Jury Exhibit Number 47 marked for identification.)

MS. WHIRLEY: While we're on the record, did you want to say anything at this moment?

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MS. ALIZADEH: Good morning. I've been over in court doing other cases. No, I don't.

MS. WHIRLEY: At this time we'll take a break, thank you.

(Recess)

MS. WHIRLEY: October 20th, 2014. Present is Sheila Whirley, Kathi Alizadeh, all 12 grand jurors, , the court reporter, and a witness . I'm not sure exactly what time it is, but we'll let go on the record with his statement and then swear in the witness.

,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

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EXAMINATION

BY MS. WHIRLEY:

Q All right. I've stated your name, but introduce yourself and spell your name for us, please?

A My name is

Q I'm going to stand close to the back of the room so that you can speak loud enough for us to have a conversation and all the grand jurors to hear you. That microphone that is by you that's sitting up there next to you does not help your voice get any louder, okay?

A Yes, ma'am.

Q All right. So how old are you, ?

A I'm

Q And where do you live currently, do you live in Canfield Green --

A Yes, ma'am.

Q -- Apartments, okay. Now, you see up there, there's a laser light, I believe, looks like a pen. Why don't you pick that up and there's a button right there, why don't you shine it and see if you can get a light to come on. You see the light?

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A Yes.
Q Okay. Show us where you live?
A Should I stand.
Q Yeah, feel free to walk around, stand, before I ask you questions, let me make sure that this map is something that you recognize as the Canfield Green Apartments. And this is Grand Jury Exhibit Number 25.
A Yes, ma'am.
Q Okay. Show us where you live?
A I stay here in .
Q Okay, . Now, you know why we're here today, correct?
A Yes, ma'am.
Q We're here about the Michael Brown shooting. Where were you on August 9th, let's start that morning, tell us about your morning, how the day went?
A I had left out around 8:00, 9:00 it was early in the morning.
Q Was it Saturday as you recall?
A Yes, ma'am.
Q Okay.
A I had got a call from my girlfriend to go home and pick up some bills so I can pay them for

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her while she was at work.

Q Did you live with your girlfriend or who did you live with?

A Yes, ma'am, I was staying there.

Q Okay.

A At

Q All right. So you got a call from her?

A Yes. As I was proceeding to come down Canfield from West Florissant.

Q What time of day would this have been?

A You know, later in the day, about 11:30.

Q Okay.

A As I approached Canfield coming from West Florissant, I was, I had stopped because I seen some confusion going on between a young male and an officer.

Q Okay. What kind of car were you driving?

A Two door .

Q Was there any cars in front of you or behind you?

A Yes, ma'am. There was a white pickup truck that was behind me.

Q And he was stopped too because you couldn't move?

A Yes, ma'am.

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Q And you said you were stopped because there was some confusion going on, was it between a police officer, you said, and we know that person to being Mike Brown now?

A Yes, ma'am.

Q Where was the police car?

A In the middle of Canfield.

Q All right. Where you just shined the light?

A About there. (indicating)

Q Okay. And what kind of car was it that the police was in?

A The mobile reserve truck.

Q Like SUV?

A Yes, ma'am.

Q And how was the car, what position was the car in as it was stopped there between Canfield Drive, near Canfield Drive?

A He was slanted.

Q Caddiefield?

A He was facing towards West Florissant.

Q Like his front was facing this way? (indicating)

A Yes, ma'am.

Q Was it, was he, you know, in the lane as

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he should have been or was he?
A He was.
Q Breaching the lanes?
A He was in both lanes.
Q Okay.
A He was in both lanes.
Q Okay. He was in both lanes. So you couldn't get around him or could you?
A I could have, but he was still in both lanes. I could have eased around him if I wanted to.
Q But you didn't think you should ease around?
A No, I'm not moving at that moment.
Q So what are you seeing as you are sitting there?
A Uh, Mr. Brown struggling to get away from the officer.
Q Now, I need you to describe what struggling looks like?
A Like the officer was holding onto Mr. Brown, pulling him towards him as Mr. Brown forcing to get back away from him.
Q All right. What was Mr. Brown's hands doing?

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A Struggling with the officer to let go of him.

Q All right. Did you know Michael Brown before this day?

A No, ma'am.

Q How long have you lived in the Canfield Green Apartments?

A Since the beginning of

Q Okay. So like

A Yes.

Q And you had never met him?

A No, I don't know anybody out there.

Q You didn't know the police either?

A No, ma'am.

Q So as he's struggling, is this the very first time you saw the police car in relation to Mike Brown was when you saw them struggling at the car?

A Yes, ma'am.

Q You didn't see what happened before then?

A No.

Q All right. So you never saw the police officer drive in reverse?

A No, ma'am.

Q Okay. All right. So they're struggling

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as you put it, did you ever see Mike Brown striking the officer with his fist?

A No, ma'am.

Q How close were you to the police car, you know, where the incident was occurring?

A Uh, I don't know how --

Q Can you put it in car lengths, uh, like how many car lengths were you from the police car and Mike Brown and the officer?

A In car lengths, I would say about four or five cars.

Q Okay. So the distance between four and five cars is how far you were from Mike Brown and the officer?

A Yes, ma'am.

Q Could you see clearly though what was going on?

A No, the only thing I could see was just a struggle of Mr. Brown trying to get away from the police officer.

Q Okay. And could you see the entire police car?

A Yes, ma'am.

Q Could you see one side better than the other side of the police car?

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A Yes, ma'am, which was the side that Mr. Brown was on, which would be the driver's side.
Q The driver's side of the police car?
A Yes.
Q All right. Do you recall what Mike Brown was wearing?
A I remember flip flops, some high socks and shorts I, can't remember the shirt.
Q Did he have on anything on his head that you recall?
A No, huh-uh.
Q Do you recall, or you saying he did not?
A I don't recall seeing him with anything on his head.
Q Could you see the police officer?
A No, all I could see was his arms mainly. I couldn't see his face.
Q You couldn't see his face?
A No, ma'am.
Q But you saw his arms?
A Yes, ma'am.
Q What was his arms doing?
A Pulling Mr. Brown towards him.
Q Like with two arms?
A Yes, ma'am.

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Q So he had two arms where on Mike Brown?
A Uh, I see he was holding onto his shirt and struggling to hold onto his neck.
Q You saw the officer with his hand on Mike Brown's neck?
A Uh-huh. One was holding his shirt.
Q One holding his shirt?
A Holding his shirt and struggling with the other one to hold onto his neck to pull him towards him.
Q Was he saying anything?
A No, ma'am, not that I recall.
Q Were you close enough to hear?
A No, ma'am.
Q All right. And what's your vision like, do you have good vision?
A Yes, ma'am.
Q Do you wear glasses or contacts?
A No, ma'am.
Q What's your hearing like, is your hearing?
A I've got good hearing.
Q Good hearing? So if they were saying something, I'm not clear, do you think you would have heard it or you weren't close enough?
A I don't think I was close enough to hear

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anything.

Q But you were close enough to see clearly?

A Yes, ma'am.

Q And then what happens after the struggling?

A Uh, that's why I see the first shot go off and Mr. Brown, I don't want to say I'm guessing, Mr. Brown was hit at close range and he gets loose and proceeds up Canfield.

Q Which way?

A Towards Northwinds, not going towards West Florissant, going deeper into the apartments.

Q Let's talk about when you heard the first shot. So the first shot that you heard, was the officer still in the car?

A Yes, ma'am.

Q And Mike Brown was still at the driver's side window?

A Yes, ma'am.

Q Was the window down?

A Yes, ma'am.

Q Did you see the officer's gun when you fired the shot?

A Yes, ma'am.

Q Tell us what that looked like, what you

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were seeing?

A A black, I say a black handgun.

Q Did the gun come out of the window or was the gun still inside the car?

A He came out his window.

Q Where was Mike Brown when the gun came out the window?

A Still at the side of the police door window.

Q So Mike Brown was at the driver's window and the gun comes out the window?

A Shots fired, when the first shot was fired.

Q And the first shot, was it right up on his body as you saw it?

A Yes.

Q Like I don't want, I'm sorry, I hope not to touch you, but you understand like if this is gun?

A Close range.

Q How close?

A Right there.

Q My hand was like maybe a foot from you?

A Yes.

Q Okay. Actually, a few inches, 6 to

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12 inches from you?
A Yes.
Q It didn't touch?
A It wasn't too far away from him, it was at close range.
Q It was out of the car window where you could see it?
A Yes.
Q It appeared to you that Mike Brown was hit?
A Shot, yes.
Q Why did you think he was hit?
A Because as he got hit, the officer let him go, he kind of clenched and took off up Canfield.
Q I want to know what he looked like when the shot went off?
A Like, I don't know.
Q You can stand up and show us as much as you can.
A After the first shot got hit, it hit him, he clenched and turned and took up Canfield.
Q (By Ms. Whirley) Okay, all right. And which side of his body did it appear to hit?
A My right side.
Q Your right side?

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A Yes.
Q Okay.
A Yeah, I say my right side.
Q On your right side, you hit your left side, I mean, you tell us maybe, this is your left here.
A My left, I'm sorry, my left.
Q So it appeared to hit him in the left?
A Yes.
Q Did he clutch the left, what did you say he did?
A It impacted him, he kind of gave a fold.
Q Towards his left?
A Yes.
Q And he took off running?
A Yes.
Q Was he running fast or stumbling?
A Slow-ish.
Q Slow-ish, okay.
A Like he barely even gave it a pursuit. I want to say that the shot affected him. He barely, like, he barely gave it a run.
Q Okay. Did you hear just one shot at the car window?
A Yes.

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Q And then what happened?

A Uh, that's when I kind of gave it a duck as I see Mr. Brown pursuing up, my passenger that was with me was jumping, scared out of her mind.

Q Who was your passenger?

A I don't know her name, I just gave her a ride. She stays in the apartments that's right by the McDonald's, but I have told her I just want to grab my bills first before I dropped her off.

Q Where did you pick her up at?

A West Florissant and like Jennings Station Road.

Q Okay, but you don't know her name?

A No. I just known her from being around my mother's house.

Q She saw it too, right?

A Yes.

Q Do you know if she's contacted the police or anything?

A I don't know.

Q Okay. You know how we might be able to get ahold of her to get her information?

A I haven't seen her I haven't had a number, if I have a way to get in touch I can give her all your info.

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Q Let her know we want to hear what she has to say too.

So at this point there's one shot out the window at Mike Brown, it appears he's hit he runs and then the officer does what?

A Uh, gets out of his automobile and pursues behind Mr. Brown.

Q Is he running?

A Yeah, he gave, he ain't give it too much of a run but he's running.

Q And what's his position, I mean, show us is he, where is his gun at this point?

A Whose the step.

Q Uh-huh?

A In his hand pursuing behind Mr. Brown.

Q How is he holding?

A Like at his side.

Q At his side, okay. Did Mike Brown have a gun?

A No, ma'am.

Q Did you see a gun rather?

A No, ma'am.

Q That's my question. Did you see a gun?

A I didn't see Mr. Brown with a gun, a stick, a knife or nothing.

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Q Okay. And then what happens when the officer is pursuing him with the gun at his side, what hand was the officer holding the gun?

A I say his right.

Q All right. And then what?

A I guess Mr. Brown was getting tired or whatever the cause was, the shot must have affected him, he stopped and threw his hands up.

Q Show us how he did that. I mean, at this point he's running away from the officer; is that right?

A Yes, ma'am.

Q Were shots being fired?

A His friend that was with him, I took it as he was trying to see where his friend went because Mr. Brown slowed up and looked at him like what you doing, you stopped.

Q Let me back up a little bit so we can all be clear.

A Okay.

Q When did you see his friend?

A At the same time I was seeing the struggle.

Q What was the friend doing when Mike Brown was struggling?

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A He was just standing there. I don't even know what was actually being said, but he was standing there like he's confused on what was going on.

Q Okay. Let me ask a question though. Was he doing anything, the friend?

A No. As far as trying to help him get away from the officer, no.

Q He was just standing at the car, where was he at?

A He was behind Mr. Brown.

Q The passenger side of the driver's side?

A No, was behind him. He is with Mr. Brown on the driver's side.

Q Right behind him?

A Yes, ma'am.

Q Was he behind him towards the passenger, the back seat passenger or toward the hood of the car?

A The back of the SUV.

Q Okay. What did he look like? Make sure we are talking about the same person.

A Short guy, dreads.

Q Do you know his name?

A No, ma'am.

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Q All right. So when the shot went off, what did he do?

A The friend, he ducks behind the police car.

Q To the rear of the car?

A Yes, ma'am.

Q And then Mike Brown then runs?

A Yes, and I seen him, he stopped and looked back at his friend.

Q Who is he?

A The friend.

Q No, you said he stopped and looked back at the friend?

A Mr. Brown. As he stopped, I guess he realized that the officer was approaching him, he stopped and threw his hands up.

Q Okay. You said that his friend was behind the police car?

A Uh-huh.

Q So how did he stop and look at him?

A I don't mean to go past anybody, he was jogging, but he stopped like this and if this is the back of the police car.

Q Yeah, okay.

A And this is the car that was behind the

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police car. His friend was ducking behind like this.

Q Okay.

A Mr. Brown he do like, uh, he turned around and looked, by the time he looked, the police officer was already behind him.

Q Okay.

A And he was like this. (indicating)

Q So did he do like this with the officer behind him?

A With the officer? No, he was turned around facing the office.

Q Tell me how that happened, that's what I want to know. The last thing I know, if I'm Mike Brown, you're the police officer, you said that Mike Brown was trotting or moving?

A By then he turned around and his friend duck down behind the car.

Q Okay.

A And that's when the officer was approaching him, he stopped and did like that. (indicating)

Q So he wasn't facing the officer when me did like this? (indicating)

A So as soon as he faced the officer, he

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threw his hands up.

Q I want to know how he got to facing the officer since the officer was behind him.

A Turned around.

Q Show us, please?

A As his friend like this behind the police car and the other car that's behind the police car, which was a black, small four door. (indicating)

MS. ALIZADEH: Small what?

A Black four door, small car. Mr. Brown was running, he looks, the officer approached him and he did like this.

Q (By Ms. Whirley) Okay. So you showed that his hands are above his head?

A Yes, ma'am.

Q Raised up toward the sky?

A Yes, ma'am.

Q Did he say anything?

A Not that I know of. I was able to hear him at that time, I was still in the same spot.

Q He's farther away from you now?

A Yes.

Q So show us on the map where he turns around and raises his hand?

A Right up in there. Right up in there.

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(indicating)

Q Is the light on? Yeah, okay. And then what happens?

A That's when I hear another shot fired.

Q One shot?

A Yes, ma'am, and that's when Mr. Brown hits the floor, hits the ground rather.

Q Let me make sure I'm keeping track of the shots. The first shot you heard was when the officer put his gun outside the window and shot at Mike Brown, you said at pretty close range?

A Yes.

Q No other shots until Mike Brown runs, turns around with his hands up and then he shoots him again?

A Yes.

Q Is that right?

A Yes.

Q And do you see any blood or anything?

A Uh --

Q On that second shot?

A Not until he hit the ground.

Q All right. Did you see any blood on fist shot, I don't think I asked you that.

A No.

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Q So on the second shot, could you tell where he was hit?

A No, I was too much of a distance. I know, they was facing each other.

Q How close was the officer and Mike Brown when the second shot went off?

A Like this, me and you.

Q As close as we are?

A Yes.

Q We are just a couple feet apart, right?

A Yes.

Q So the officer shot him, he hits the ground?

A Yes.

Q How does he hit?

A Uh --

Q I mean, what position is he in when he hits the ground?

A He is like this with his hands in the air and also -- like this. (indicating).

Q Okay. So his face is facedown, do it again, I'm sorry, facedown and his behind is kind of poked up a little bit right?

A Yes.

Q Okay.

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A I heard another shot fired as he was on the ground.

Q One more shot?

A Yeah.

Q And what was the officer's position could you see the officer at that time?

A Yes, he was just standing up over up over him.

Q Like be the officer and Mike Brown is laying on the ground and what is the officer doing?

A By then he's just standing up on him, I guess, calling.

Q You said you heard another shot when he was on the ground?

A As far as another shot, he was like this up on him.

Q While he is on the ground, facedown?

A Standing up over him.

Q He's standing up over him and he shoots again?

A Yeah.

Q Where does that shot seem to go?

A Uh, for just me looking from where I was at, I would say it was in the head because he was on the ground.

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Q You thought he was shooting him in the head?
A Yeah, he was shooting him in the head.
Q You only then heard then two shots total?
MS. WHIRLEY: That would be three.
MS. ALIZADEH: Three?
A Three, yes.
Q (By Ms. Whirley) I'm sorry, you have a another shot, that's three. So you overheard, thank you, three shots total?
A Yes, I was caught up with what was going on, that's all I heard.
Q So one at the car, one he turns around with his hands up and then one when he's laying on the ground?
A Yes, ma'am.
Q Those are the only shots you heard?
A Yes.
Q Okay. Did you ever hear the officer say anything?
A As far as.
Q Anything at any time?
A No, not until I was proceeding to go past the parking lot which is
Q So after the officer you said shoots him,

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you thought in the back of the head?

A Yes.

Q Let me just go back a minute. You've probably been watching this being covered, this being covered on television?

A I, actually -- actually, I haven't. I don't know what's going on behind it or anything. I just know I been getting talked to or interviewed.

Q Okay.

A I try to stay clear just remember as much as I can remember.

Q And that's good. And you talked to our chief investigator here at the prosecutor's office, ?

A Yes, and they asked me, it took a family member of mine. Cause I was just going to stay away from it and let them handle it, but an uncle of mine was like, you should at least have somebody hear what you saw or at least tell what you saw. That's what I looked up number and contacted him without anybody.

Q From our office, you spoke with him on the telephone, correct?

A Yes.

Q And then you were interviewed by the

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police; is that correct?

A As far as I know, yes.

Q And maybe FBI?

A Yes.

Q Have you only been interviewed once by the police and FBI or were you interviewed more than once?

A I was interviewed first time by had set it up, the second time probably no longer that know a week ago and today.

Q Today, you mean being here today?

A Yes.

Q You may not have heard since you said you haven't been listening to it, but there were no shots to the back of his head. So do you still think he was shooting at him from the back while he was down on the ground?

A Uh, okay, when he was on the ground the shot was fired. I don't know whether it was to his head or not.

Q And, again, there were only three shots that you heard?

A That I know of, yes.

Q All right. So after the officer fired that shot at him while he was know on the ground,

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what did the officer do?

A Just stood over and, I guess, got on his radio to call for help.

Q Okay. And then what did he do, were you still watching?

A Yes, I was. I actually, I actually was, I parked slanted. There was actually a video released of the two construction workers that was up there and that quick glimpse was me walking back over there to see what was going on.

Q Okay.

A I had on a white and black stripe shirt.

Q Okay. Were you saying anything?

A Yes, I was like, he was no fucking threat, I'm sorry for cursing.

Q Yeah, we want to hear what you said.

A I was just letting him know that he was no fucking threat.

Q So that was you on the --

A It was just a quick, that's the only thing I had cause somebody came to me like, cause they realized the shirt that I had been wearing. I seen you on CNN when they released a video of the two construction workers, which was working in my parking lot complex where I stay.

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Q Okay.

A And it was a quick glimpse of me walking past saying, he wasn't no fucking threat.

Q At that point where was the officer who did the shooting when you were saying that he wasn't no no fucking threat?

A He was still there until the police officer came.

Q He was still where?

A Standing in the middle of Canfield.

Q Was he near the body?

A Near Mr. Brown.

Q Okay. Did he try -- appear to give Mr. Brown any type of emergency help or anything?

A No, ma'am, no, ma'am.

Q But it does seem like he was calling for other police?

A Yes.

Q And tell us how you got up here closer to the scene, what did you do?

A Okay. By then I went around.

Q You were back here?

A Mr. Brown and the officer was where Mr. Brown was laying at, and that's when I went around Mr. Brown and then went to my apartment

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complex.

Q Okay, slow down just a minute. Where was Mr. Brown laying?

A I want to say right where this car is right here. (indicating)

Q And you were where when you saw it?

A When I first started it was up here.

Q How did you get past that?

MS. ALIZADEH: Can I ask you to step to the side and use the pointer so we can see?

A Yes, ma'am.

MS. WHIRLEY: I'm going to go over here, it might make it easier if you step that way.

Q (By Ms. Whirley) Show us where the area --

MS. ALIZADEH: I didn't see where you said you were when you saw this?

A (Indicating)

MS. ALIZADEH: You were right there?

A Yes, ma'am. And after everything was over, I went on around and that's where I seen Mr. Brown laying on the ground bleeding from his head, I guess from the impact from the ground.

Q Okay. And then what?

A Him and the officer in the middle of the street, I was able to go around to get to my

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apartment complex where I was at in here. (indicating)

Q Go ahead, what were you going to say?

A No, that's how I got around and I was able to get in here. I had parked slanted and that's when I came and I was up here on the little grass watching everything.

Q You parked and came back up to see what was going on?

A Yes, ma'am.

Q And that's when you said, he was no fucking threat?

A Yes, ma'am. I was screaming it through the whole thing.

Q And did you see any police officers other than the one who did the shooting?

A No, not for about, I say about five minutes max.

Q All right.

A And that's when I see, that's when the rest of the officers came, you know.

Q Did you have any interaction at all with Darren Wilson, the officer who did the shooting, did you talk with him at all?

A No, ma'am.

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Q Did he say anything to you?

A No, not until I went past. I go, why in the fuck did you shoot him like that. And he's like, you keep fucking going.

Q All right. So you go past Darren Wilson?

A Yeah, in the middle of the street.

Q You walking or in your car?

A I'm driving.

Q So as you drive past?

A Uh-huh.

Q Before you parked and got out of the car?

A Yes. I was like, why the fuck did you shoot him like that. He was like, mind your fucking business. I kept going. That's when I came up in here and I walked across.

Q So just make sure I'm clear. You're driving by, you shout out, why did you fucking shoot him?

A Yes, ma'am.

Q And he said, mind your own fucking business, keep going?

A Yes.

Q And then you parked the car?

A Yes, ma'am.

Q And you get out and you come up to the

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area --

A I ain't go no farther than this.

Q That's where you say, he was no fucking threat?

A I was walking across the parking lot to come right here when that video was captured. (indicating)

Q I'm more interested in what really happened versus the video.

A Yes, ma'am.

Q Tell me what you meant, he was no fucking threat?

A Um, like as far as --

Q You can have a seat for a minute.

A As far as being a threat, like if he had a gun or a knife or even if he did assault the officer or what happened, I didn't see him do none of that. So I took it as he was no threat and you gunned him down like that.

Q And you were clear, in your mind, you were clear what was going on at the police car?

A Yes, I literally saw Mr. Brown struggling to get away.

Q You never saw Mr. Brown's hand inside the police car?

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A No, ma'am.

Q What was he doing with his hand again?

A Struggling to get the officer's hands off of him. As far as swinging and hitting the officer, I didn't see that.

Q As he's struggling, did you ever see his hands go in the officer's face?

A No, ma'am.

MS. WHIRLEY: Kathi?

MS. ALIZADEH: Yeah.

Q (By Ms. Alizadeh) So when you said you drove up onto Canfield, you had a passenger in your car?

A Yes, ma'am.

Q Have you ever told anybody that before?

A Yes, ma'am.

Q And so you were driving this way around here? (indicating)

A Yes, coming off of West Florissant.

Q You said you stopped right about here, or thereabouts. You said it was right about here?

A Yes, ma'am.

Q So how many cars were between you and the officer's car?

A Total like in the middle, it was in the

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middle of us? It was just his car and the car behind him, it was me and the truck behind me.

Q So you're saying that there were no cars between you and the police officer's car?

A No, ma'am.

Q And then you had a white truck behind you?

A A white pickup truck was behind.

Q A white pickup truck?

A Yes.

Q Did you see a blue pickup truck?

A No.

Q No?

A (Shakes head.)

Q Did you see anybody standing around here? (indicating)

A No, not that I remember.

Q And so when you came about, you said there was already, I'm guessing, there was already an altercation going on?

A As soon as I approach Canfield to go to my apartment complex, the struggle is already going on.

Q And you said Mike Brown was trying to get away?

A Yes.

Q And I don't understand why you conclude

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that, what was he doing, why did you think he was trying to get away from the officer?

A Because the officer was pulling, struggling.

Q Did you see Mike Brown with his hand on the officer's shirt?

A As far as his arm, yes, trying to get the officer's arm to release him.

Q You said the officer had him by the shirt?

A As if you were, if you were just strangling, I'm going to go for your arms to release my neck, that's how it was.

Q So you know Mike Brown was like 6'5", big guy?

A Big guy.

Q 280 pounds or something?

A Yeah.

Q And so you're telling me if somebody had ahold of his shirt, you don't think he could get away?

A I'm guessing if he wanted to he could.

Q If I grab ahold of your shirt, stand up. How tall are you?

A I say about 5'9", 5'10".

Q How much do you weigh?

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A 170.
Q So do you think if I grab ahold of your shirt?
A If you got a good enough hold, I can't getaway from you.
Q If I'm sitting in the car and I grab ahold of your shirt, if you just fell backwards.
A Uh-huh.
Q Don't you think that I would lose my grip when the shirt would rip?
A Not if you got a good enough grip.
Q Okay. So you say that you think Mike Brown was trying to get away from the officer and that's what you were witnessing?
A Yes.
Q And then you said you saw the officer's gun come out of the window of his car?
A Yes.
Q And fire one shot?
A Yes.
Q The gun was within half a foot?
A Yes.
Q Of Mike Brown?
A Close range, yes.
Q And that would have been pointed where on

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his body?
A Chest, chest.
Q In his chest area?
A Yes.
Q So that would be an entrance wound in his chest and it would be pretty much straight back, right?
A Yes.
Q The gun, was the gun angled in anyway, was the gun like this, or was it like this?
A No, it was pointed right at him.
Q And then you say Mike Brown at that point pulls back and runs?
A Yes.
Q Did you see any blood when he got shot?
A No.
Q And then when he ran away and turned around, I mean, could you see the blood then?
A No.
Q You said he was shot at point blank range on his chest?
A Yes.
Q You telling me when he turned around, you didn't see any blood?
A Huh-uh.

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Q What about the other guy, did you see anything in his hand?

A No.

Q Did you see Mike Brown hand him anything?

A No, ma'am.

Q And so you say that you saw Mike Brown as he was running away look at his friend?

A Uh-huh.

Q Look at him kind of slow down and look at him and then keep running?

A No, as he slowed down, turned around, that's when he threw his hands up cause he realized the officer was not that much of a distance from him.

Q So you're saying it was, his friend was close to him when he turned around? You said he stopped about when he saw his friend is where he turned around?

A Uh-huh.

Q Yes?

A Yes. I mean, he wasn't that far. No further this man right here in this chair.

Q This man right here?

A Yes. That's when he turned around and realized that his friend was ducked behind a police

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car.

Q The friend was behind the police car, did the friend ever run away or run behind another car?

A No. When I seen him he was ducked between the police car and the vehicle that was behind the police car.

Q Now, you have a red car, right?

A Yes, ma'am.

Q What color was the car behind the police car?

A Black.

Q And so the friend was not ducked behind that car?

A Yes.

Q He was behind the police car?

A Yes.

Q So when you say Mike Brown turned around, the officer was right there; is that right?

A Yes.

Q Did he walk toward the officer at all?

A No.

Q He didn't come toward the officer?

A No.

Q And you say that from the point he turned around is when he got shot?

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A Before he turned around he had his hands in the air. I didn't see him take a forward step, or a back or flench like he was going to try to run at him or nothing.

Q So you didn't see him move forward or back after he turned around and put his hands up?

A Put his hands up, that was it.

Q And the officer was within how close? Tell me to stop when I -- I'm going to walk toward you, you tell me when?

A Right there.

Q Right here.

A Right there.

Q Okay. So this is probably about four, five feet?

A Roughly, yes.

Q Okay. And the officer, was his hand fully extended or was his hand down here?

A Extended.

Q Fully extended?

A (Nods head.)

Q All right. And you saw him then shoot Mike Brown and you said in the head?

A Uh-huh.

Q In his head?

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A That's why I was afraid of them being so close and he just tipped right over.

Q Are you saying you saw it or you just figure that?

A I saw him shoot, but I figure that it was in the head, how he just limped over and just fell.

Q So you don't know where he was shot?

A No.

Q You're just guessing because he fell over?

A Yes.

Q And then once he's on the ground you see the officer standing right over him and shoot him while he's lying face first on the ground?

A Yes, ma'am.

Q So after the police car is a black car you said, is there another car after the black car?

A Not that I remember.

Q And you're saying where this white car is on the map is about where Mike Brown stopped running and turned around?

A Yes, ma'am.

Q And that would have been where he fell then since you said he didn't move forward or backward at this point?

A Yes, ma'am.

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Q Now, from where you were then you drove past the officer and parked in your parking space here.

A After everything was over, yes.

Q Did you ever come back up here and talk to people up in this area?

A No.

Q Did somebody ever give you a business card?

A No.

Q Nobody ever gave you a card, told them they saw it too?

A No.

Q And you say you did another interview with the FBI a week ago?

A I don't know the exact date, but it was no longer than a week ago.

Q Where did that happen?

A The interview?

Q Uh-huh.

A I'm guessing at headquarters on Market.

Q Downtown?

A Yes, ma'am.

Q And the passenger that you said that was in your car.

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A Uh-huh.
Q So what happened to her?
A She end up taking off walking up to the apartments where she was going, which is behind the McDonald's, I don't know the name of the apartments, but she had proceeded to go there.
Q When did she get out of your car?
A After I had parked.
Q So you -- she would have been in your car when you passed by the police officer and heard what the police officer said to you?
A Uh-huh.
Q You don't know this person's name?
A No, ma'am.
Q Why did you give her a ride?
A She was a familiar face, stayed by my mother's house.
Q She's somebody you've seen before?
A Yes, ma'am.
Q And you know whereabout she lives?
A No, ma'am.
Q Is she African-American or white?
A She's black or African-American rather.
Q I'm sorry?
A African-American rather.

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Q She is about how old?
A I say 20, 21.
Q You don't have any name for her?
A No, ma'am.
MS. ALIZADEH: All right. I don't have anything else.
MS. WHIRLEY: I just have a couple things.
Q (By Ms. Whirley) When Mike Brown was running, was the officer shooting at him at that point while he was running?
A No, ma'am.
Q Okay. Did you ever talk to Mike Brown's mother?
A I have seen her. She was out there, but I didn't get to talk to her as far as like anything dealing with this.
Q Did she know you were a witness to all of this?
A Yes, not from me though, from other people seen me out there or heard me out there yelling. They must have told her that.
Q How do you know she knew that?
A I don't know that she knew if I seen it or not.
Q You said from other people?

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A Yes, yes, from telling.

Q What makes you think that she knew that you saw it?

A Other people must have told her that I was out there.

Q You never talked to her on the phone or anything?

A No.

MS. WHIRLEY: . I'm trying to visualize your perspective but when the scene was kind of concluding. You are still sitting in the driver's seat of your car, when you are viewing, as you said, Officer Darren Wilson, you said he's got his gun aimed, you can see his back, are they perfectly lined up, are they off to an angle, what's your perspective?

A I can't understand, what's that.

MS. WHIRLEY: . I'm trying to understand your perspective of what you saw from your car right as the scene was concluded. I'm going to guess you can see the back of Officer Darren Wilson, but are they standing at an angle, are they perfectly lined up, I guess, what is your perspective?

A I mean, where you coming from, as far as

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after the first shot?

: The very end of the scene.

A The very end of the scene?

: Yeah. You said you could see Officer Darren Wilson's back, but you were also stating that you could that he see him shot in the head, or you assume he shot him in the head. I'm just trying to understand was that at an angle to where he could see the front of Michael Brown and the back of Officer Darren Wilson. Were they straight on, what was your angle from your perspective with respect to the vehicle?

A No, he was, whatever the officer name, he was facing toward this way now on his intercom or whatnot.

So you could see Officer Darren Wilson's back?

A No, I couldn't. After everything is over and Mr. Brown is on the ground, I see his face, back side.

: You understand what I'm saying?

Yeah, I do understand what you are saying. I think you say you could see Michael Brown turn around.

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A Yeah, turned around. Oh, after I see Mr. Brown when he turned around?

: Yes. Were you facing Mr. Brown when he turned around and fell?

A As far as in my car, yes.

: And your back was to the police officer at that time?

A The police officer's back was towards me.

Yes. The police officer's back was towards you?

A Yes.

When he shot him while he was laying on the ground?

A No, while he shot him while he was laying on ground he's facing towards me.

: So how did he get from facing Michael Brown and watching him fall, he walked forward and shot him on the ground, how did the officer's face get towards you, did he walk around the body?

A Yes, he was just proceeding around the body and got on his intercom, yes.

: So he was walking around Michael Brown's body and then he shot him after he walked around the body?

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A No.

MS. ALIZADEH: I have a question to maybe clear this up. From the point that Michael Brown stops running and turns around, okay.

A Uh-huh.

MS. ALIZADEH: And the officer has been chasing him and he's within 5 feet of him at that point.

A Uh-huh.

Q He's directly in front of Michael Brown, correct?

A Yes.

Q And you are behind the officer?

A Yes, facing him. That's the point where I was --

MS. ALIZADEH: How could you see what Michael Brown was doing if the officer is between you and Michael Brown?

A Like you say, he was a big guy and that's a nice amount of street where I can see. I saw him with his hands up, yes.

Q But wasn't the officer partially blocking your view of Michael Brown?

A Yes, partially, yes, he was blocking my view, yes.

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Q There is a part of Michael Brown that you could not see because the officer was in the way?

A Yes, when I seen that his hands was in the air.

Q Could you see Michael Brown's face?

A No.

Q The officer was blocking your view of Michael Brown's face?

A Partially, yes.

Q Could you see the middle of Michael Brown's thighs?

A No, no.

Q So the officer was blocking your view of really all of Michael Brown's body except you could see his hands in the air?

A Yes.

I think you said that the distance between the officer and Michael Brown, he is stopped and had his hands up in the air was about approximately four to five feet?

A Uh-huh.

All right. And I think you said that the officer had his hands with the gun, right hand with the gun as it is fully extended toward Michael Brown?

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A Yes, ma'am.

: And then the officer shot, he shot the gun at that time?

A He fired, yes, ma'am.

And that would have been, I think, the second shot I think you said?

A Yes, ma'am.

: Okay. And then Michael Brown falls forward, he is falling toward the officer then; is that correct?

A He didn't like fall stumbling towards him, once he shot him with his hands in air, he fell right on the ground.

: Okay. All right. Into a dead fall basically?

A Yes.

Okay. And so you said that he never moved, you did not see Michael Brown move any steps forward or any steps backward from the officer?

A Yes, ma'am.

: At any time when you heard that second shot, okay, before Michael fell, did you see the officer move back, or forward or to the right or to the left of Mr. Brown?

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A Once Mr. Brown hits the ground, the officer takes a step back.

A step back.

A Uh-huh.

My question is, I don't know if you know the answer to this.

A I can answer it to the best that I can.

With Michael Brown being 6'5", and we have four to five foot difference, why did Michael Brown's body not hit the officer when he fell?

A I mean, I wouldn't know.

You wouldn't know, okay.

A I wouldn't know.

MS. WHIRLEY: If nobody else has something, I have something.

You talked to the police, well, actually the FBI, two agents on August the 18th. This is the second interview, the first time you talked to someone at our office.

A Uh-huh.

Q (By Ms. Whirley) On August 12th you talked to a couple federal agents. Do you recall that, the second time you interviewed?

A Uh-huh.

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Q And was there too at that interview. And on August the 18th, and I have a transcript of it and nobody's seen it yet, but they will.

You told them, and tell me if this refreshes your recollection or not. You told them that there was one shot in the car and Mike Brown was shot at four times while he was running away and then he was shot two more times in the face once he turned around, and then when he fell on the ground, he was shot four or five more times?

A Uh-huh.

Q Do you recall saying that?

A No, ma'am. The majority of it, yes.

Q What part do you recall?

A As far as being shot at as he was proceeding to run.

Q Okay. So today you said he wasn't shot at while he was running, but you remember him being shot at four times while he's running away now that I refreshed your recollection?

A Yes.

Q Do you remember telling the officers that he was shot two times in the face?

A No.

Q And you actually said face-to-face he was

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shot, do you remember that?

A Yes.

Q Don't you remember telling the officers that after he fell on the ground, he was shot four or five more times while the officer stood over him?

A Yes, I remember that.

Q You remember that? Today I think you told us he was shot once, right?

A Yes, ma'am.

Q What's the change for you?

A As far as like the FBI said in my last interview, none of my forensic science added up to it.

Q Okay. We want to know what you say. You don't have to be concerned with forensic science, none of us are forensic scientist.

A Yes.

Q We just want to know the truth and what happened. So tell me why you changed your statements as far as about how many times he was shot or shot at?

A My calculation was off. How many shots was fired. I had counted as far as how many shots was fired, I had heard about eight or nine shots, yeah.

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Q And today you told us only three?

A Yes, only three that I know that he was hit.

Q No, no, I asked you about the shots, this is really important. I mean --

A Yes, ma'am.

Q We're here, we're spending a lot of time trying to figure out what happened. And it's okay, I just need to know the truth. I'm not trying to give you a hard time, we just need to know the truth.

A I understand.

Q You understand what I'm saying?

A Yes.

Q So which one is true, did you hear only three shots total or this is like, he was shot once and then shot four times and he's running away and then shot two more times in the face, and then shot four or five more times. That is like 10 or 11 shots total that you told them on August the 18th.

A Yes.

Q So was it actually three shots you heard or was it 10, 11 shots you heard?

A Altogether I heard approximately about eight or nine shots if I ain't hallucinating or

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making it more than what I heard, about eight or nine shots.

Q Now, you weren't hallucinating back when you talked to the police, were you?

A Not that I know, no.

Q Could you possibly have been hallucinating?

A What you mean?

Q You used the word hallucinating, what did you mean by hallucinating?

A By how many shots was fired, I could have counted more than what it was.

Q Do you think that's what happened, you added more?

A Yes, how many shots was fired, yes.

Q Okay. And why would you do that?

A Uh, I mean, I heard about eight or nine shots, but as far as hearing what the FBI was saying and all about how they, how everything was off. I try to push myself to actually concentrate on what actually, how many shots was actually fired.

Because after all of this was over, I went into a blur.

MS. ALIZADEH: You went where?

A I went to a blur of everything.

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MS. ALIZADEH: After what was over?

A The whole shooting and all that.

MS. ALIZADEH: After the shooting?

Q (By Ms. Whirley) Okay. And again, this is so important so I need to ask you because I'm really kind of confused.

A Yes, ma'am.

Q How many shots did you really hear after I refreshed your recollection, after what you told us here today, what would you say as far as how many shots you actually heard that day?

A I say about seven, eight shots.

Q Okay. Tell us where those shots occurred? Like heard one shot at the car you said?

A Uh-huh.

Q Go ahead and tell us about the rest of the shots.

A Well, I heard, as I'm dealing with my passenger, I heard like two more shots.

Q What was happening?

A Mr. Brown was proceeding away.

Q He was running with his back to officer?

A Yes, ma'am.

Q When you heard two more shots?

A Yes, ma'am.

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Q Okay, that's three.
A Yes.
Q Then what?
A That's when the officer and Mr. Brown came face-to-face.
Q Okay. How many shots when he was face-to-face?
A That was just the one I heard.
Q Did he appear to be shooting him in the face the way you thought back on the 18th of August?
A Yes, I would have thought it was in the face.
Q Okay. So that's like, now we're in four shots, is that right, that's four?
A And that's when he hit ground.
Q He hit the ground and then what?
A I heard another one, two shots.
Q Okay. Now, back on the 18th you actually told the police that you talked to Mike Brown's mother, do you remember that?
A Uh-huh.
Q So you actually, actually I talked to her the same day, but I haven't talked to her since.
A Uh-huh.
Q Did you talk to her?

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A Uh-huh. I haven't heard --

Q No, no, no, did you talk to her the day of the shooting?

A No, it was brief. I was there and your son wasn't no threat and then after that --

Q Wait, wait, wait a minute. Okay. Now, my question is, did you talk to her. Is that answer yes?

A Like did I say anything to her?

Q You see how we're talking?

A Yes.

Q Okay.

A We didn't have a --

Q I'm going to ask you that. Did you speak with her, let me rephrase.

Did you speak to Mike Brown's mother at all the day of the shooting?

A Yes, ma'am.

Q Okay. Tell me how you spoke to her?

A Your son was no threat.

Q Did she ask you anything?

A No.

Q You just walked up to her --

A All she said was for me to just tell the truth. Whether her son was in the wrong or was he

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not in the wrong, that was all she said and that was that.

Q Okay. And you said?

A Okay.

Q What did you say to her?

A As far as I seen her son wasn't a threat.

Q Okay. And then was there anything else discussed?

A No, ma'am.

Q And tell us again how she knew how to come talk to you about it?

A Other people in the complex.

Q How did they know that you knew anything?

A Some people was on the porch, I guess, and some people I heard yelling out there.

MS. WHIRLEY: There may be more questions. I just want to ask you, is there anything you want us to know as far as this investigation goes that you think is important to know and, you know, if you want to change anything that you said, we need the truth. We're not going to hold it against you at this point, we want to know what really happened.

A Right.

Q (By Ms. Whirley) Is there anything you want to change?

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A No, ma'am. I'm just here to give you all a little vision what I saw. I only remember so much.

Q Okay. Is there anything else that you think is important for us to know?

A No, ma'am.

MS. WHIRLEY: Okay. Other questions?

MS. ALIZADEH: So just basically, , you're saying that you changed your recollection of how things happened after the feds told you it couldn't have happened the way you originally described it, is that fair to say?

A Yes, that's when I went and try to actually go on what I remember.

MS. ALIZADEH: And so now your memory has changed?

A No, I'm remembering what I'm telling you now.

MS. ALIZADEH: You told three different stories in the time we've been here today. So I want to know which one is really your memory or did you see this at all?

A Yes, see, this is one of the reasons why I didn't want to get involved because now I feel like, y'all taking me as liar when I'm not and I was

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there. I'm going to say once again, I know I was there, I can only remember so much of what I'm telling you. Whether that was two, three different stories, I'm only going on so much that I can remember.

MS. ALIZADEH: But you today said that the reason that you changed your story today?

A Is because the FBI say my forensic science wasn't right. So that's why I went back and try to actually remember what I saw.

MS. ALIZADEH: So what is your memory today, what is it? Were there nine shots, were there ten shots, were there three?

A It wasn't nine, ten shots.

MS. ALIZADEH: What do you remember happening as you sit here today, how many gunshots did you hear?

A I can only remember when Mr. Brown got shot leaving the vehicle, so when he got hit on the ground.

MS. ALIZADEH: One shot when he was at the car?

A Yes.

MS. ALIZADEH: And when was the next shot?

A When he was proceeding to run from the

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vehicle.

MS. ALIZADEH: How many shots?

A Like two.

MS. ALIZADEH: Two now. Okay. And then you saw him turn around?

A Yes.

MS. ALIZADEH: How many shots then?

A Just that one and that's when he landed to the ground.

MS. ALIZADEH: And then he hit the ground?

A Yes.

MS. ALIZADEH: And then after he hit the ground, how many shots?

A About two or three more shots.

MS. ALIZADEH: So now there's seven shots?

A Yes.

MS. ALIZADEH: All right. I don't have anything else. Anybody else?

I just want to proceed if you can provide any more context to that statement you made right there at the end that he wasn't a threat. You shared it with the officer, you shared it with Michael Brown's mother, what specifically was it that you personally that day saw, heard, witnessed the actions that made you

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assume that Michael Brown was not a threat?

A When he stopped and threw his hands in the air.

: I have a couple questions, this is When you first saw this happen, at one point you said you were directly behind the police officer's car?

A Huh?

: You were directly --

A In front of him.

: In front of the police officer's car?

A Yes.

: And then at one point you said you were maybe four or five car lengths away. Did you stop four or five car lengths away?

A Before I was able to approach them, yes.

Okay. When you saw the struggle going on even though there were no cars between you, you were four or five car lengths away?

A Yes.

That is probably longer than this whole room, right?

A Yes.

. At

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least twice this room or more.

Twice this room. And you are saying you can tell from twice the length of this room that Michael Brown was trying to get away from the police officer?

A Yes.

And the police officer was pulling his shirt and his neck?

A Yes.

: And you could tell that that far away and there's no possible way that there was a struggle and Michael Brown could have been frying to fight the police officer?

A No, that ain't what I saw.

: From that far away?

A Yes.

: So that leads me to another question. So you're saying that the police officer had his hand on Michael Brown's shirt?

A Yes.

: And his neck.

A Yes.

: And that is why he couldn't get away?

A Yes.

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: Because he had two hands on him?

A Yes.

: And then you saw the gun come out of the car?

A Uh-huh.

: And shoot Michael Brown in the chest?

A Yes.

So whatever hand's left, that leaves him one hand on Michael Brown to get the gun?

A Yes.

: And then he shoots him?

A Yes.

: And it's at that point after Michael Brown is actually injured that he's able to get away?

A Yes.

: Why was he not able to get away with all of his strength, non-injured but he is able to get away injured. If the police officer is that strong from a sitting position and Michael Brown is over him, why was he not able to get away when the police officer let go of one his

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arms?

I mean, you got to understand, and I don't mean any disrespect. I know what you had to see was probably horrific, this is just not making sense to me.

A Yeah, I got that 150 times.

I'm not saying you're lying.

A If none of my stuff is making any sense, like why do y'all keep contacting me, y'all keep bothering me. I didn't want to get involved in the first place.

: This is very important.

A I understand that and that's what drew me to actually come in to say what I say and tell what I saw.

: Can I ask you one more question? Have you ever been in trouble with the police?

A Yes, I've been to penitentiary and all of that.

: Okay.

A So why would I bring myself here, why would I give myself a free ticket to jail if y'all want to accuse me of lying.

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: I'm not accusing you of lying, I want you to know that.

A No, I understand that. I'm just saying that everybody is saying my stuff don't match up. I would be true to myself.

A I wouldn't bring myself here just let y'all put me away from my family.

One more question. How far up were Michael Brown's hands?

A They was in the air.

Were they here, where they here, where they here? (indicating)

A I don't know, I don't have a direct estimate, they was in the air.

Okay. Thank you.

From where your position on the roadway on Canfield --

A Canfield.

-- Drive? The roadway there, is it straight and level, or are you looking on a downhill slope or --

A No, it don't do nothing but swerve.

It is straight and level?

A Yes.

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It is level and curvy?

A Yes.

One quick question. I think at one point you mentioned the passenger in your car was a distraction. Can you maybe go into what was distracting?

A She was yelling, screaming and jumping telling me to get away from there, which I wasn't going to pull off, you know, drive away from the scene. I don't know what was capable of happening me moving, so I just stood there.

A lot of chaos and emotion.

A Yes.

Could that have distracted you a little bit from the scene in front of you?

A Yes, sir.

Did that go on for how long until you actually --

A Pulled up and parked, and that's when she proceeded, she was sitting, she was watching what was going on too. She proceeded to do what she was doing. I didn't see her until there was a bunch of police and people everywhere that she had came back with some of her and her folks.

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Okay.

When you drove past the officer there, and you have made a comment to the officer, I don't think I wrote it down correctly, could you tell me what you said to the officer again as you drove by?

A Why the fuck you shoot him like that.

Why the fuck you shoot him like that. At any time did you think, I mean, if you reportedly saw the officer shoot this guy in the head, that he might turn and just shoot you and your passenger?

A Yes, I felt that, I felt that. But at the time I didn't, I mean, at the time I'm guessing he didn't realize what he put hisself into. So I expected him like he might shoot me too, but I wasn't to much worried about it. And that's why I went on and proceeded to park and got out of my vehicle.

Okay.

MS. WHIRLEY: Anybody else?

All right. , thank you for coming. I know it seemed like we were really questioning you.

A No, you are only doing your job. Like I

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say, I only come here to give what I can remember. Like as far as what she said, how they were saying it at the FBI, if you wasn't there, just say you wasn't there, but I was there and I'm not going to say that. I'm not going to bring myself here to give you y'all a free ticket to take me away from my family.

MS. WHIRLEY: You were there, we don't know exactly when you were there, but we certainly saw on the video you talk about where you said he was no fucking threat, that was you --

A Yes.

MS. WHIRLEY: -- on the video, okay. So thank you again for coming and that concludes this portion of the question and answer period. Thank you , I'll take you out.

(End of the testimony of)

MS. ALIZADEH: This is Kathi Alizadeh. It is 11:37 in the morning on October 20th. Sheila Whirley is here with me as well as all 12 grand jurors and the court reporter who is taking down and recording what's being said.

of lawful age, having been first duly sworn to testify the truth, the whole truth, and

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nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

MS. ALIZADEH: At this time we're going to pause the recording and I will have the witness introduce self and identify self and then after that I will refer to by a number, by Witness Number 38.

BY MS. ALIZADEH:

Q would you introduce yourself for the grand jurors, please?

A My name is

Q you are a little soft spoken and that microphone in front of you does not amplify your voice.

A I'll speak louder.

Q If you speak loud enough that I can hear you back here, I know that they can all hear you.

A My name is

Q And, how old are you?

A I'm years old.

Q And where do you live?

A On Canfield.

Q So you live in the Canfield Green

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Apartment Complex?

A Yes, I do.

Q And how long have you lived in those apartments?

A I have lived in those apartments for years.

Q And so at this time, I will instruct the court reporter here in a second to begin the audio recording. And after we begin the audio recording, I'm going to refer to you as Witness Number 38, is that all right?

A Okay.

Q You understand that?

A I understand.

Q So, Witness Number 38, you just mentioned to the grand jurors a bit ago that you live in the Canfield Apartment Complex, correct?

A I do.

Q And can you use the laser pointer that's in front of you, and I'm going to direct your attention to a map, which we have marked as Grand Jury Exhibit Number 25. Do you recognize the streets and buildings here as an aerial view of the apartment complex?

A I guess.

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Q So here is Canfield Drive?
A Okay.
Q And this street runs through the complex?
A Right.
Q So to the left of the map, out of sight, I guess, not on the map is West Florissant?
A Uh-huh.
Q And driving this direction or east you hit the Northwinds Apartments?
A That's correct.
Q Now, do these streets look familiar to you?
A Yeah.
Q Can you say, can you use that pointer and show me what building you live in?
A I guess the address.
Q There are numbers on it if it would help you, I can bring it closer to you if you want to see if you recognize the number of your unit.
A Oh, yes, I do, sorry.
Q So using that pointer, can you point where your apartment is?
A (Indicating)
Q So this apartment is the front of this apartment on Canfield Drive?

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A Yes, it is.
Q And is your apartment unit actually facing Canfield Drive?
A Yes.
Q What floor do you live on?
A I live on the
Q We've had other people kind of, we've seen pictures of the building and had people describe it for us, but am I correct that there's a front door to your unit that leads to like a deck area?
A Yes, porch, deck area.
Q Okay. And then there's steps, exterior steps that you would take to get down to the ground level, correct?
A That's correct.
Q Is there any other way out of your apartment?
A One way in, one way out.
Q Okay. So on the day of August 9th of 2014, which was a Saturday, were you home that morning?
A Yes, I was.
Q To the best of your recollection, was there anything unusual or special that was going on that day for you?

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A A normal day.

Q And somewhere during the day, at some point during the day did you leave your apartment building?

A Yes, I did.

Q And where were you going to go?

A To the trash dumpster in the back.

Q And so did you have some trash with you?

A Yes, I had a bag of trash.

Q And do you recall like what time of day it was?

A I'm sorry, I don't.

Q Was it light outside?

A Oh, yes.

Q And from what we know, is that August 9th was a sunny day?

A Yes.

Q No rain, is that your recollection?

A No rain, sunny day, uh-huh.

Q And so when you exited your apartment, you would of had to have come out the front; is that correct?

A Yes, uh-huh.

Q Did you go directly down the stairs?

A Yes, I did.

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Q Can you use the laser pointer and show me where the dumpster is that you were taking the trash?

A Let's see, that's kind of hard to say because it is in the back of the building.

Q I'm going to use my finger and point, is this the back of the building or is this the back of the building?

A Let's see, that's kind of hard to say, that's Canfield.

Q Look at me for a second. Think to yourself when you walk out of the building, which direction do you turn?

A I turn to the left.

Q Okay. And then you go downstairs and when you go down the stairs, are you facing Canfield when you come off the stairs or?

A Facing Canfield.

Q Okay. So you're facing Canfield. So what direction do you turn to get to the trash?

A To the left.

Q To the left?

A Uh-huh.

Q Do you turn all away around 180 degrees. So, in other words, you come down here now?

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(indicating)

A Right.

Q Is this a walkway?

A That's a walkway.

Q Is this the walkway you take to get to the trash dumpster or did you go this way? (indicating)

A Let's see, that's a little confusing. All I know is I turn to the left where the parking area is. I go around the building to the back by the trash dumpster.

Q Okay. So you were walking in this direction down this parking area? (indicating)

A I would think so.

Q Okay. So when you came out of your apartment, did you see anything unusual?

A Well, saw a few people around, you know, and other than two boys walking down the street.

Q Okay. So you saw two boys walking down the street?

A Uh-huh.

Q And did you recognize either of those boys?

A No, I didn't.

Q And when you say boys, are we talking about little boys, we talking about teenagers or

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adults?

A Well, I assumed they were teenagers, they were big kids.

Q And where were they walking, what street were they on?

A They were on Canfield.

Q And were they walking, if going down this way is east, were they walking east or were they walking that way?

A West. I would say west because they was headed back towards the Northwinds Apartments.

Q So they were headed towards the apartment --

A They wasn't headed towards West Florissant, they was headed away from West Florissant.

Q Okay. Like they had come from that?

A Yes, like they had come from the West Florissant area.

Q And can you use the pointer and show me where they were when you first saw them walking down the street if this is your building?

A That's my building. I'm sure they was a little east of my building, so I guess maybe right along in there or something. (indicating)

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Q Okay. There's a white car that's in this map, it just happens to be there when the satellite took this picture, was it around the area where that car is?

A See, I didn't see a car at first until I saw --

Q Okay. This car wouldn't have been there, this is just a map, this was there when they took the aerial shot. So you saw them and where were they in the street?

A They were walking along by the sidewalk.

Q Okay. Could you see the fronts of them or the backs of them?

A I guess the sides of them, you know.

Q Okay. And so were they actually in the street or on the sidewalk?

A They were like along the curb sides of the streets.

Q Still in the street?

A Yes.

Q And when you first saw them, did you notice anything about them?

A No, I just glanced and came around the building.

Q Anything about them like one was bigger,

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one was smaller, one was older, one was younger, anything like that?

A I couldn't tell their age, but one was bigger, a bigger kid and the other kid, excuse me, was a thinner kid, you know, uh-huh.

Q Do you remember anything about what the bigger kid was wearing?

A I sure don't because I didn't focus in on that.

Q Okay. And what about the smaller kid, do you remember anything about him, like his hair?

A I think he had maybe like dreadlocks or something, uh-huh.

Q Do you remember long dreadlocks or shorter dreadlocks?

A I don't think they were long. Maybe at the end of the neck or a little below that.

Q Okay. Could you hear if they were speaking to each other?

A No.

Q And what did you witness next?

A Uh, next I notice the police car saying something to them because he had kind of cut in front of them, kind of angled his car in front of them.

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Q So you recognize that car as a police car?
A Yes.
Q Do you remember what kind of car? I don't mean like brand or the model, was it a sedan, was it a truck, was it a SUV, was it a van?
A I probably say it was something like a SUV or something, a cruiser car or something.
Q All right. And so you said that the officer's car, looked like it cut them off?
A Yes, he was saying something to them and then he angled his car kind of in front of them.
Q Which direction was the car, was the police officer's car on Canfield then?
A Yes.
Q And which direction was the police officer's car facing?
A West, I would say just like he came from West Florissant area too.
Q Just to clarify, this is east and that's west.
A Okay.
Q And this is West Florissant over here.
A West Florissant over there.
Q Yeah, West Florissant is over here. So does that change what you think about, you still

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recognize that as where you live?
A That is where I live, yes.
Q Okay. Do you know if the officer's car was actually moving and driving, would it be going toward West Florissant?
A No.
Q Or toward Northwinds?
A Northwinds.
Q So did you see the officer's car moving?
A Well, I saw the officer pull up next to them and he was saying something to them, I don't know what. And then I saw him just kind of cut angle in front of them.
Q Okay. And so is it you don't know what because you couldn't hear anything from that distance?
A No, I didn't hear anything.
Q Why is it that you said that he said something to them, what makes you think that?
A Well, I saw him, I mean, I heard, I didn't hear what he was saying, but I saw him talking to the boys, you know. What he said, I don't know.
Q Okay. So both boys were at the officer's car at that point?
A Yeah, they were both together walking.

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Q Okay. And so then you said you saw the officer then angled his car and kind of cut them off?

A Yes.

Q And what did you see happen then?

A I kept on going toward the dumpster and then I heard, I guess it turned out to be a shot. I kind of looked over my shoulder and looked back. I didn't see anything, so I kept going around to the dumpster head around the corner.

Q Okay. So after the officer angled his car and kind of cut the boys off.

A Yes.

Q You then continued to the dumpster?

A Yes, uh-huh.

Q Does that mean you went around to the back of the building?

A Right.

Q After you continued to the dumpster then, was the building in between you and the car and the boys to where you couldn't see them?

A I couldn't see them, huh-uh.

Q And now you said you heard a gunshot?

A Before I turned the corner, yes.

Q And so before you turned the corner, you

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heard a gunshot, how many gunshots?

A I'm sorry, I thought it was only one.

Q All right. And have you heard gunshots before?

A Oh, yeah.

Q Did you recognize that as a gunshot or did you think maybe it was firecrackers?

A I just assumed it was a gunshot.

Q Okay.

A Uh-huh.

Q And so when you said you looked back at that point.

A Uh-huh.

Q And you didn't see anything?

A I didn't see anything, so I kept going.

Q And so you kept walking toward the dumpster?

A Kept walking toward the dumpster.

Q And then what happened?

A And then after I turned the corner of the building going to the dumpster, I heard a series of gunshots. And then I ran and I ducked between some cars because I didn't know what was going on, if it was a battle out there or not, and I ducked between the cars.

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Q Can you give me an idea of how many gunshots, when you said it was a series of gunshots?

A I can't say. I knew it was more than five, I would say I knew it was more than that.

Q Okay. Were these gunshots in a quick succession like one after another or were there pauses between them?

A Seemed like one after another.

Q From the time of the first gunshot until the succession of gunshots, can you give me an idea of how much time past?

A No, not really because I kept walking and I turned the corner of the building going to the dumpster, so it wasn't that long.

Q So from the time it would take you to walk and turn the corner toward the dumpster?

A Uh-huh.

Q And so you said after you heard the series of gunshots, you ducked behind some parked cars?

A Yes, I did.

Q And did you see anything else after that?

A People coming out of their building. After that, hearing the gunshots, a lot of people started coming out of the buildings. And I stayed back there for a few minutes because I didn't go in

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the front, but people was coming on the front.
Q Okay. So now you know the boy that got shot, Michael Brown, you know his name now?
A I know his name, but I did not know him before that.
Q Okay. Did you see him get shot?
A No.
Q All right. So what about the officer, when he was inside his police car, could you see him?
A No, I couldn't.
Q Did you ever see that officer get out of his car?
A See, I wasn't looking then. My back was toward that.
Q Okay. Did you ever see the officer at the scene later where you said oh, that's the guy?
A No, I couldn't.
Q Do you think if you saw him today you would recognize him?
A No, even seeing him on television I still wouldn't recognize him.
Q From your vantage point he was always inside the vehicle?
A Yes.

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Q When you were, when you looked and you saw the boys at the vehicle after the police car cut them off.

A Uh-huh.

Q What side of the police vehicle were they on? The driver's side or the other side?

A Well, they were on the street curb and the car came at an angle, I guess they was on the other side, yeah.

Q So not the driver's side, but the other side?

A The other side, right.

Q Okay. And that's because you think the officer's car was headed towards Northwinds?

A Yes.

Q If the officer's car was headed toward West Florissant, what side would they have been?

A They would have been on the driver's side then.

Q Okay. When you turn and you saw the boys at the car, were they near the front, near the back bumper or near like a window?

A Near the door I would think.

Q And when you turn and look and saw the boys at the car, was the car, was the police car in

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between you and the boys?

A Oh, yes.

Q So could you see if the boys were standing at the car, could you see the boys' hands and what they were doing?

A No, the car was blocking it.

Q Okay. Could you see the bigger boy, was his head taller than the police car, could you tell he was standing there?

A You know, I don't know because I didn't focus in on that, you know. I know people are stopped all the time, so I'm not focusing in on that. I'm trying to get to the trash dumpster, I had food on the stove.

Q So did you ever make it to the dumpster?

A Yeah, eventually after I stayed back there for a while and everybody started coming out of their apartments, then I went to the trash dumpster and then I came back around to the front of my building, already they had put the yellow tape up and wasn't letting anybody by. I told the officer I live here in this building, I just went to the trash dumpster, I have food on my stove cooking and he let me beyond the yellow tape.

Q Okay. So after you came out from where

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you were crouching or hiding?

A Uh-huh.

Q You went and put your trash in the dumpster and then came, walked toward Canfield Drive at that point?

A Yeah, back around to my building, yes.

Q You could see the yellow tape was up?

A The yellow tape was already up.

Q And then did you go into your building after the officer let you past the yellow tape?

A Yes.

Q And then did you ever come out of your building again?

A Oh, yes. I came back out because people was congregating. I heard all the noise outside and everything. I checked my food and then I came back out on my porch.

Q So you came outside, but you didn't come down to the ground?

A Oh, no, I didn't come back down.

Q So when you came out, well, let me ask you this. When you came back around to get back in your building, did you go in the front way?

A There's only one way in.

Q Could you see Michael Brown's body in the

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street?

A Yes, I did.

Q Did you recognize him as the same boy?

A See, they had a cover on him.

Q Okay. So by the time you saw him the body was covered up?

A Covered up, uh-huh.

Q And then later that day police officers knocked on your door and asked you if you saw something; is that right?

A Uh, was it that day? I think it was later that day. I'm not sure if it was that day or the next, a detective came up there.

Q A detective?

A Yes.

Q And you talked to him for a couple minutes?

A Yes.

Q And then about a week later some FBI people?

A Yes.

Q Knocked on your door?

A Yes.

Q And you talked to them for a few minutes?

A I talked to them.

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Q Okay, all right. Ma'am, how is your vision, how is your eyesight?

A My eyesight is not bad.

Q Okay. And you and I talk a little bit before you came in here?

A Uh-huh.

Q You had told me that sometime after this incident you had cataract surgery?

A That's correct.

Q Prior to having the cataract surgery, was your vision impaired by the cataracts?

A My vision is about the same after I got the cataracts off, uh-huh.

Q So you didn't think you had a problem with your vision?

A No.

Q Did you even know you had cataracts?

A No, not until the doctor told me they was growing.

Q Okay. So what about your hearing, ma'am, how is your hearing?

A I have pretty good hearing.

Q Okay. And what about, so you don't need anything to aid you with hearing?

A No, I don't.

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Q And how about your memory, I asked you, I told you I was going to ask you about your memory?

A My memory is pretty good for a person of my age, I would say my memory is pretty good.

Q Okay. Is there anything about what you saw that day, anything else that you think is important for us to know?

A I've told you all I've seen, you know. Nothing else I can tell you other than what I saw that day, you know. And I just got through saying what I saw that day.

I didn't see the whole incident, like I told the detective and the FBI. All I can tell you is the little bit that I did see.

Q Okay. And I told you how important it is that everybody who saw something --

A Yes.

Q -- comes in and tells what they saw.

A Right.

Q All right. And since this has happened.

A Uh-huh.

Q Have you participated in any like protest or vigils?

A Oh, no.

Q Do you know Michael Brown's family?

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A Other than seeing them downstairs when the incident happened and seeing them on television, no, I don't know them.

Q How about Ferguson police officers, do you know any Ferguson police officers?

A I don't know any Ferguson police officers.

MS. ALIZADEH: Okay. I don't have any others request.

Q (By Ms. Whirley) Witness 38, hi, how long have you lived in the apartments?

A I have lived there years.

Q Okay. I bet you've seen a lot change over those years?

A I've seen a lot change, yeah.

Q What's the relationship with the police then and the residence in that area?

A I haven't had any incidents with them, so I can't say.

Q Okay.

A You know.

Q You don't know of any particular incidents that have occurred there with the police?

A No.

Q Okay. When the officer, I'm going back to the incident, when the officer was inside the police

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car, I think you said you were going toward the back to empty the trash?

A Yes.

Q You heard a series of shots, you thought about five shots?

A Five or more.

Q Five or more?

A Uh-huh.

Q You may or may not be able to answer it. What I'm trying to find out is was the officer inside the car when you heard the shot or you don't know?

A See, I had turned the corner when I heard the shots, and then I ran and duck behind some cars. So I couldn't tell you whether he was outside of the car or inside, because I couldn't see. I was around the corner.

Q Okay. The first shot he was in the car?

A Yes.

Q Okay. The others you don't know?

A No, I don't know.

Q And you never saw Michael Brown after he was in the street talking to the officer?

A No.

Q Was he in the middle of the street?

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A No, they was along the curb side.

Q When you saw him walking before the police made contact, he was not in the middle of the street?

A Not in the middle of the street, they was on the curb side.

MS. WHIRLEY: All right. I think that's all I have.

Do you recall when the officer's vehicle, Darren Wilson's vehicle was next to the two individuals, do you recall if he had his lights or sirens on?

A No, he didn't have sirens on.

Any lights that you saw?

A It was daytime, you mean the lights on top? No, no, no.

Thank you.

MS. WHIRLEY: Anybody else?

MS. ALIZADEH: Anyone else?

At that time when you first saw the police officer and his car whatever, did you see any other vehicles stopped behind the police officer's car?

A No, I didn't see any other vehicles.

You saw no other vehicles?

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A No.

Did you notice any other vehicles coming the opposite direction, like they're coming off the West Florissant direction if they was stopped there?

A No, I didn't. Because I didn't really focus in on that, you know, this is just an everyday Saturday thing where I'm taking my trash down. So I didn't see any, I just didn't focus in on that.

Okay. Thank you.

A Uh-huh.

MS. ALIZADEH: Anyone else? All right. This will conclude the testimony of this witness.

(End of the testimony of Witness 38.)

MS. WHIRLEY: It is October the 20th, 2014 it is approximately 1:22 p.m. We are resuming our evidence in the Michael Brown shooting. I'm Sheila Whirley, the 12 grand jurors are present and also the court reporter. Kathi Alizadeh is out of the room right now, she will join us probably momentarily.

We're going to start this afternoon with two statements, as much as we can get through, of . He testified here this morning. And as he testified, he spoke to a chief

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investigator from our office, his name is , I think he pronounces it , the G is silent. He actually talked with on the phone. That's Grand Jury Exhibit Number 17.

And then we have another statement from , which Grand Jury Exhibit Number 49, where he spoke with the FBI. With that bit of introduction we can stop the recording and we'll go ahead and play the phone call. The phone call is like 16 minutes or so, and I think that his statement is less than an hour, so we'll see how much we can get through.

(Grand Jury Exhibit Number 49 marked for identification.)

MS. WHIRLEY: All right. We're back on the record. We are going to top this recording at 39:13, 39 minutes, 30 seconds. And then we'll start up there when we meet again.

It is approximately 2:29 p.m. This is the end. I'm Sheila Whirley, here with Kathi Alizadeh, all 12 jurors and the court reporter. That will conclude our day, thank you.

(End of Grand Jury Volume 14.)

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State of Missouri
SS.
County of St. Louis

I, , a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to

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and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

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COURT MEMO

State of Missouri vs. Darren Wilson

CERTIFICATE OF OFFICER AND
STATEMENT OF DEPOSITION CHARGES

DEPOSITION OF Grand Jury, Volume XIV

10/20/2014

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St. Louis County Prosecuting Attorney's Office
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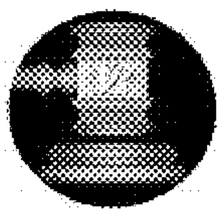
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Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury, Volume XV

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 23, 2014

VOLUME XV

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 23th day of October, 2014, before

APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

Assistant Prosecuting Attorneys for St. Louis County

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

(314) 615-2600

GRAND JURY HEARING VOLUME XV

MS. ALIZADEH: Good morning.

(Everyone says good morning.)

MS. ALIZADEH: It is Thursday, October 23rd at 9:06 a.m. This is Kathi Alizadeh, Sheila Whirley is also present, all 12 grand jurors are present as well as , the court reporter, and we need to take up a few matters before we begin with witnesses today.

Um, I would imagine all of you, I mean, most of you, if not all of you, have been aware that there have been media reports out there that seem to indicate that there are leaks in the investigation and that reports have been leaked and testimony has been leaked and so forth.

And first off, as I've said from the very beginning, you all have to be guided by what occurs in this room. We all know sometimes the media doesn't get things right, but you know, if you do read those things, you need to make sure you take that with a grain of salt. You all have heard all the evidence together, so you know what you have heard and seen.

But I do want to say, and Sheila and I have had a conference, we've had a conference with

Mr. McCulloch, we've had conferences with a lot of others, with the County Police Department and everything, and I can assure you that we know that the leak, that the leaks are not coming from the grand jury. There is no doubt in our minds that none of you are the source of that.

And to tell you the truth, one of the reasons that I know that is the medical examiner's report is out there and I've looked at what's out there, what was leaked by the Post-Dispatch, it was put out there by the Post-Dispatch and I can tell you it is not the copy that you have. It is the medical examiner's report, but every medical examiner's report that we get has a stamp on it. It says not for secondary release.

And the report that is out there that was published by the Post-Dispatch does have that stamp on there, but it is not the same stamp that I have, and I know it is not the same stamp that is on your copy.

So it says the same thing, but their's is in a straight line and it is different looking than our stamp, the stamp that we have on our copies.

And the same thing with the County Police, it is different than the stamp that they have from

their copies.

So wherever this came from, it did not come from our office, it did not come from you guys. You don't have a copy that looks like that, it did not come from the County Police.

And the other reason why we're fairly, not fairly, we're 100 percent confident that this is not coming from the grand jurors or from the County Police is that in the very beginning when there was a supposed leak, this was a story that was broken by the New York Times, but it was their Washington Bureau that published the story and they cited their source as a government official who had been briefed on the civil rights investigation.

We are sharing our information with the federal government because they are conducting their own independent investigation and so they have all the same reports and the same things that we have.

And so we are confident that the leak is someone in probably the Department of Justice and is not coming from St. Louis County Police, not from our office, and not from this grand jury.

I know you all maybe were concerned about that, but we are 100 percent confident that we're all good.

The other reason being you all don't take your things home with you. We collect your materials before you leave so that being said, I just want everybody to know that we still have complete confidence in the grand jury and the judicial system and we know that you're going to do your duty and you're going to be guided by the evidence that you've heard during your investigation.

So that's the first thing. Anything else that we discussed that needs to be said?

The other thing that we have talked about at the very beginning of this process we kind of had set a goal for ourselves that we were going to try to complete this by mid November.

If you recall that was originally the idea that we could extend the grand jury or that it could be a six month term and that would put you at like mid November. It was then again extended to January, that was done just out of an abundance of caution in case we didn't get done by mid November.

We still would like to finish by mid November. I can tell you that the light is at the end of the tunnel so to speak. We have discussed what we have left to put on and I will tell you

there are approximately 15 eyewitnesses or lay witnesses who we believe would have valuable testimony to give. However, I will tell you that I don't know, we are making our best efforts to get everyone in, but I can tell you that you some of these witnesses are resisting.

Some of them have frankly said there is no way I'm coming in, no way I'm going to testify. We're trying to get witnesses under subpoena, but if you knock on the door and nobody answers, we have no right to, you know, kick in the door and serve them with a subpoena.

We can only do so much. So even though we have potentially 15 lay witnesses that we may still call, I expect we are not going to be able to call all of those witnesses. We are going to do our best.

But in the event that we want to wrap this up, if we try our best to wrap this up in mid November, we talked about possibly going to again a three day a week schedule. That would, you know, again, we're trying to get this completed and by all means, there is no deadline so you all don't feel that you have the time, there is no magic date, there is no reason this hasn't to be done on a

certain date.

With that in mind, if you can talk during your lunch break today about your November schedule because we don't have any dates yet for November and think about including an additional day.

I know you've been very generous to give us two days a week, and keep in mind as well that from the very beginning we've said if you all need to meet in the evening or Saturday or Sunday, even if it is a half day on Saturday or Sunday, we will be there, we will do it.

The other thing that we talked about is that there was a question early on about possibly getting the police vehicle for you all to see for yourself, which I've already investigated that and we can't.

It's been repaired, so it has a window in it now and I haven't seen it myself whether or not the demarcation where the bullet hole was, I don't know if that's still there. But I know that you are interested in how big the vehicle is, how tall it is, what it might be like to stand next to it and so forth.

We can have that done a number of ways. We can have that done a number of ways. We can

bring that here and made available for you in the parking garage for you all to get in, examine, get around. However, if we do it here, it would be wise not to do it during business hours, because there's really no place in the parking garage where we can do this where people won't see you up and around a Ferguson Police car.

We have construction workers in the parking garage, there are county employees, we have just members of the public that can park in the parking garage.

If you would like to see the vehicle here in this location, I would suggest that maybe if we do that on an evening or weekend where nobody will be down here, no construction workers, very few county employees.

The other possibility is that we could bring the vehicle to the St. Louis County Police Academy, which is in Wellston, it is maybe a 15 minute drive from here. We put you all in a van and take you out there.

They've got a secure garage and you could exit there. If you recall Detective talked about it, they had towed it to their garage which is a secure facility here in Clayton. I can

investigate whether or not that garage might be available.

The problem with that is, it contains other evidence, there might be things in there the County Police may say, yeah, we can't let these people in here, we have other evidence in other cases and it would be compromised, the integrity of other investigations. So, plus I'm not 100 percent sure that that garage is even still there.

They're in the process of demolishing buildings, that might not even be available, but those are a couple options bringing it here and seeing it on a weekend or evening or taking a field trip to the police academy to exit there. So you guys can talk about that as well.

Sheila has a better recollection than me, so I have to always ask her did I forget everything.

MS. WHIRLEY: She has the gift of grab.

MS. ALIZADEH: I do. I'm the mouth and she's the brains. So you all had asked for a topographical map at some point, I have one that I will pass out today. Don't know how helpful it is going to be for you. I looked at it, I don't know. It is the only one that we can come up with without actually, you know, I guess hiring a company to go

out there and do that.

And then also you had asked for the floor plans of the apartments in the complex, I've got that as well.

Also, there was a question about whether or not we were going to call Dr. , the pathologist who was hired by the family of Michael Brown to perform an independent autopsy. It was actually the second autopsy on the remains.

There was then later a third autopsy that was done by the Department of Defense medical examiners, which I expect we'll call one of them to tell you what their findings were.

We have contacted the attorney who represents the family of Michael Brown and asked that they contact Dr. and invite him to testify.

So we haven't heard back if he's going to be available to do that, or if he's willing to do that, but we're going to make those efforts to try to get him here because I know that there was a question about that.

What would I do without Sheila. Now, as I said, we have potentially 15 more eyewitnesses who may be testifying. And it's been our habit and our

process during this time to play for you every recorded statement that a witness has made.

We initially were, our goal and plan was to do that before the witness testified, sometimes that didn't work out, but we've always gotten around to playing it eventually for you.

As you know, sometimes these witnesses make two or three recorded statements, sometimes you've got, you know, statements that are in excess of an hour, hour and a half, hour and 40 minutes, two hours.

And so our question to you is we can proceed in that manner as we've done in the past or we're wondering if you find it helpful to listen to those statements if those statements are consistent with what the witness testifies to.

So if the witness testifies, like if we put a witness on and they testify, and Sheila and I who have listened to these tapes feel that there's really no inconsistency in what they already said. I mean, obviously, any statement there could be, you know, minor inconsistencies, and that will be something that she and I will discuss together about whether we think that there are inconsistencies.

And if we feel that there are not, it

would be possible if you feel that that doesn't help you to hear this tape statement again, that we then just forgo playing that taped statement.

Obviously, it takes up a lot of time and I know it is tiring for you all to sit here and listen and read transcripts.

So maybe you can discuss that during your lunch as well. If you think that that would be a way to go to try to speed through this. I don't mean speed through it in a way that's not efficient. I don't want to say we're rushing through anything, but if you are finding that it is not really that helpful and you don't need to hear it, then we don't have to play it.

We have it, we have all of them and, of course, if at any time you would have some issue with, you know what, maybe we should hear that witness' statement that they made before, at any time we can play it for you, okay. So that's something for you to consider. All right.

Is there anything, you know, that anybody has an issue or question about? You can discuss this during your lunch and then we'll ask questions during the lunch break, especially if we are talking about scheduling issues and things of that nature.

Don't necessarily need to afford those kind of things, but let me know after lunch and we have, I think, two people here right now, and going to have to give me a second to get somewhat organized.

MS. ALIZADEH: Yes.

Officer Wilson, he only had one recorded statement? I know we only heard one, if I'm not mistaken.

MS. ALIZADEH: If I'm not mistaken, Officer Wilson's statement was not recorded prior to him testifying. Check your folders to see if you have a transcript of the testimony of Darren Wilson?

We have one.

There was supposed to have been one with Detective .

MS. WHIRLEY: Detective did one that wasn't recorded and then there was one that was recorded, you have a transcript of that?

We have one that is recorded.

MS. ALIZADEH: My recollection is, we can certainly go back and look at the transcripts, but that Sergeant testified about statements that he made right at the scene when he first got there,

and none of that was recorded. And then was the detective who went to the police station and did a cursory interview and that was not recorded. And then, you have one? That must have been done on the 9th at 10:00 in the morning?

August 10th.

MS. ALIZADEH: 10th, okay. The 9th is the day of. I knew it was the next morning. All right. And then there was Agent who came in and testified that she had interviewed him, but that their interview was not recorded, I believe.

MS. WHIRLEY: Right.

MS. ALIZADEH: All right. I forgot about that.

Again, if there is a need to bring any witness back that you have already heard from because now you have additional questions, you just need to let us know. We put on things in a way that we think was easier for you to understand the case, but, you know, just the sake of when we put on a witness early on in the process and then now later in the process you might think well, I didn't know that when I heard from that witness before, so now I have a couple of additional questions.

So if anyone of you feel the need to have any witness who has testified previously return and answer some questions, we will get them here. And obviously, Officer Wilson, I cannot compel him to appear before you, but he appeared previously and I would reach out to his representatives to invite him back if you felt that you would want to hear from him again.

Any other questions?

Is there any recorded testimony with Officer Darren Wilson and the FBI or the civil rights investigation?

MS. ALIZADEH: My understanding is, no, that they did not record that. If you recall it was the brunette female FBI agent who came in and testified that she was present and interviewed him that they did not record that.

I know, now this is reported in the newspaper or whatever, there was a statement that was supposedly made by him about the first two shots. In our transcripts he didn't think he hit him on the second shot because he saw some dirt fly up. But then it was reported later on that he said he thought he did hit him with the second shot. I just wondered if there was any recorded

evidence of him saying that?

MS. ALIZADEH: Not that I'm aware of. And I will tell you that, you know, as you can probably imagine, any news agency is not going to reveal to me who the source of their information is. They have this First Amendment thing, freedom of the press.

And so while it might be -- make sense for me to call them and say, hey, where did you get that because we're interested and if you've heard that from another source, we'd like to hear who told you that, but they're not going to tell me.

And that might be something that if you would care to have another witness back to testify to ask that question, but I don't know where that information came from for that particular news article.

Two quick things. One, Grand Jury Exhibit Number 2 is the map that we use almost daily. I notice also it still says not to scale. Do you know if you would ever get one to scale or even if it is that much of a difference?

MS. ALIZADEH: That's another thing. That brings up something else. There was a question

awhile back about getting a transparency that maybe would have the diagram images that we could lay on top of the map. I did look into that and the problem that I learned with doing that is that map is not to scale and so just because on the map I'm holding my fingers out, if the map says this is 137 feet, I'm just making up a number, of course. There might be another place on the map that says this is 150 feet. And the actual measurement was accurately done, but the map might not be to scale, you know, the entrance, the driveway, you know, to some of these parking entrances might not be as wide in real life as it appears on the diagram. The size of the police vehicle is not necessarily on the diagram the exact size of what it is in the street.

I would suggest that, you know, I have all of those crime scene photos and if you ever are curious about, you know, the real size of things, you can sift through those photos to see if they can help you determine or answer some of those questions, but I can ask about the possibility of having a diagram to scale.

It is my, this is strictly my belief based upon my experience that when the police officers do these diagrams, they use a computer program that, I

don't think they are done freehand, I think they use a computer program to do these diagrams. And so to do one to scale would require someone, actually, a draftsman type of person, I think, to actually make sure that the diagram is to scale.

So that would probably have to be done by not the police department, we probably would have to look into whether or not there could be some draftsman that could do that, but I mean, I can investigate that as well if you think it would be helpful.

But as far as the transparency goes, I'm afraid it might even be misleading if we had a transparency and you laid it on top of the aerial photograph, it might appear that oh, look, this is actually not where it is in the picture because on the transparency it is past the fire hydrant. Well, that just might be because it is not to scale. So I wouldn't want you to rely on something and be misled by that.

Yes.

Prior to knowing I was on this case, I remember vaguely hearing in the news there was a gentleman on some sort of audio phone that recorded the succession of gunshots and

didn't know, again, I didn't pay much attention to it, I kept it in my memory. I didn't know if that was something even credible or something we will get to.

MS. ALIZADEH: Yes. That is something that the police have the custody of that recording and we will be putting that on for you as well.

And there was a question quite some time ago about surveillance cameras in the complex and I, believe me, before you guys even got this assignment, that was one of the first questions out of my mouth. Are their surveillance cameras? I was told no.

Now, before you complete your investigation, probably the very last witness that I will call for you to hear from is going to be Detective , because as the primary case agent, he knows more about this case than any other person.

So there are some things that he's going to testify about that he did himself and whatnot, but he would be the person to ask a lot of these questions to because he was in charge of the investigation.

What was done, what did you do about this, did you ever try to get ahold of this person, he can

answer a lot of those questions with firsthand knowledge.

Me, all my knowledge about this comes from other sources because I was not out there investigating the case. So I don't want to be the person to actually have you rely on what I'm telling you, I'm just telling you that it is my understanding that there were not, but that would be a question better put to Detective about that, all right?

Anyone else?

Okay. We have a witness here, the first witness we are going to call and I'm not organized this morning.

. I know that had asked sometime ago would it be possible for us to see where this happened. And I know we had discussed it before and that probably wouldn't be in our best interest to go there. I think somebody had talked --

I think it was

About getting pictures of the distance and things like that?

MS. ALIZADEH: That's one of the things

we've had that done. I think that Detective when I put him on last we're going to have him show you those pictures because he'll be able to point out for you in the picture this apartment building right here or this window right here, this balcony right here, that's where witness so and so was. And if you see right here, that's where witness so and so was because he's the one that knows that information and in very intimate detail.

So we do have pictures that we have the police and Detective went out with them to take those pictures to make sure we got the vantage points. We weren't able to take vantage point pictures from where the witness was that would require going into people's apartments and they felt that that wasn't going to be safe or welcomed.

So the pictures that they took are from the location of where the vehicle was, the location of where Michael Brown's body laying in the street and then the location of the corner near a light post. And those pictures are done in 360, so you might be able to see from here can you see that witness' balcony who says they can see this. That's the best we can do as far as getting vantage point pictures.

I guess I do have a question. I know that some of these media reports they're saying that he had marijuana in his system. And I guess that's another way of knowing it didn't come from us because we were never told that he had marijuana in his system.

So is there still like evidence out there that we haven't heard like that?

MS. ALIZADEH: Yes.

The DNA on the gun?

MS. ALIZADEH: Yes, there's going to be, you know, our plan was to try to get through the eyewitnesses and then at the end put on some of the scientific evidence because frankly those witnesses are there at my fingertips and are going to come in whenever I tell them to come in.

And so I just knew that when it came time to try to wrap things up, we would be able to get them through in and out fairly quickly. So I do anticipate that you are going to hear additional evidence from experts who have tested various things, all right?

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Do you remember the second part of the oath talks about what happens here, okay?

A Okay. All right.

Q Have a seat, thank you. You're sure you don't want a glass of water.

A No.

Q Can you introduce yourself to the grand jurors?

A My name is

Q And, ma'am, I'm going to stand back here because the microphone that is up there is not, it is not going to amplify your voice.

A Okay.

Q And so you just need to keep your voice up so that I can hear you back here and then if I can hear you, I know that everybody back here can hear you, okay?

A Okay.

Q And, ma'am, back in August of this year, were you living in the Canfield Green Apartment Complex?

A Yes.

Q And were you home on Saturday, August 9th?

A Yes.

Q Now, and I told you when I talked to you that I was not going to ask you to give your address, but there is a laser pointer that is sitting right in front of you there.

A Uh-huh.

Q And if you press this gray button here, it makes a laser pointer. Can you show the grand jurors on the map, which is marked Grand Jury Exhibit Number 25, do you recognize these streets, it says Canfield Drive, and for your reference over here is West Florissant, okay?

A Uh-huh.

Q And then over here is the Northwinds Apartments. So that does help orient you to understand the buildings that are shown on the map?

A Yes.

Q Can you put the laser pointer on the building that you were living in back in August?

A (Indicating)

Q Okay. This building right here? (indicating)

A Yes.

Q And can you, now, we've heard testimony already how these buildings are, that there's three floors to every building, correct?

A Yes.

Q What floor were you living on?

A Third.

Q So that's the top floor?

A Right.

Q And so this particular building has entrances for units that would be, actually those units would face the west if this is west. And then there's also some entrances to the building that face the east. Was your apartment facing the west or facing the east?

A I'm kind of confused because the building sits like this and I can see out and see Canfield Court.

Q Okay. Do you know your apartment number back then?

A Yeah.

Q Does it help you to look up here? Can you

see the number?
A Yeah.
Q And so I'm going to point, I'm not going to say it out loud, but is that your apartment number?
A Uh-huh.
Q This one right here? (indicating)
A Yes.
Q So you're, this little out jet right here, that's like a little covered stairwell, staircase; is that right? You take some exterior steps up to the third floor; is that right? Is that how you get in your apartment?
A Right.
Q So the front door of your apartment is actually right there where that stairwell is, correct?
A Right.
Q And so you have a window, you have a sliding glass door that's on the front of your apartment?
A Yes.
Q And then there's a window that's also on the front?
A Yes.

Q And is there also a window that would be around the corner?

A No.

Q No, okay. So you have a sliding glass door and a window, is that like a bedroom window?

A Right.

Q Okay. So when you are looking out of the front of your apartment, can you see down to Canfield Drive?

A Yes.

Q All right. So do you recall on the morning of August 9th, was there anything special about that day, that morning that you recall oh, it was, I remember it because it was, had these plans to do something or was it an ordinary day?

A It was an ordinary day. I was just kind of looking out the window.

Q And do you recall that this was a Saturday?

A Yes.

Q Sunny day?

A Yes.

Q And does your apartment, did your apartment back then have air conditioning?

A Yes.

Q And this was August 9th, and I know that it got warmer in the day, but do you recall if you had your windows opened or closed?

A Closed.

Q Do you normally run the air conditioning in the month of August?

A Yes.

Q Okay. And so you said that you were looking out the window, was there a reason you looked out the window? Was there anything that drew your attention outside or were you just happening to be working out the window?

A I just happen to be looking out.

Q All right. And then once you were looking out, did you see something unusual?

A Not unusual at first.

Q Why don't you describe what you saw?

A Um, these two boys or two guys walking down the street. They were kind of out in the street, but not all the way out. They weren't quite to the yellow line.

Then I kind of stepped back a little bit. Then for some reason I looked again and I saw the police car pull up, and he said something to the boys. They, obviously, said something back because

you could see the motion of their hands, but I couldn't hear anything because my window was closed.

Then the boys kind of went on, walked on and then he backed up, the cop backed up, the policeman backed up.

Then, I guess, I'm not sure what else happened after that, but I could see the one boy, the shorter one, he kind of stepped a little bit past the window of the police car. It was actually an SUV, it wasn't just a regular car, but the bigger guy was standing at the window, near the window of the car. And I could see the top of his head and I could see their hands moving. And so it seemed like they were kind of, I guess, tussling through the window of the car.

Then the boy, the guy broke loose and began to go down the street and that's when the policeman got out of the car. Then he proceeded, the boy was ahead of him and that's all I could see.

Q Okay.

A Because they were past, they were past my building. See, like my building is here, well, I couldn't see, I could only see the police car and him going so far. I could not see after it passed. They I said, um, in a few seconds I heard a shot. I

don't know whether it was three or four because I really did not necessarily count them, but I knew it was more than two. Oh, my God. I don't guess, you know, they were shooting. This had anything to do with it and I just went on back and started to put my clothes on.

By that time the crowd of people had started, people had started to come, not a lot of them but, you know, I knew something had happened. So by the time I got out, it was all over. The boy was in the street and the police was beginning to put some cones out.

Q Okay. So let's, you know, we're going to need to go back. We're going to go through step by step and ask some more detailed questions, okay?

A That's fine.

Q So when you say you were looking out the window.

A Uh-huh.

Q First off, was anybody home with you at that time?

A No, I was there by myself.

Q And so when you said you happen to look out the window, was it the sliding glass door or was it a bedroom window?

A It was my bedroom window.
Q Are there any window coverings on that window, blinds, shades?
A Blinds.
Q Are they horizontal blinds?
A Yes.
Q And were they, were the blinds down?
A No, I had it pulled up so high because I was just, you know, looking out. Sometimes I just look out to see what's going on, you know.
Q So did you have to move the blinds in order for you to see out the window?
A No.
Q Okay.
A Because they were high enough and by me being up high, I can see on the street, so.
Q And so, and that's a good point. When you're on the third floor of this building, is there a little rise, is this a little bit on a hill somewhat, a small hill?
A The street? You mean my building?
Q Does the ground, is there any elevation to this, like if you are driving up here and if you walk up to your building, are you walking uphill at all?

A No.
Q Okay. So it is pretty level at this point?
A Uh-huh.
Q And from the third floor, from your bedroom window, you could see down to the area that you were seeing the police car?
A Right.
Q Okay. And so when you look down you said you first saw two boys walking in the street?
A Right.
Q Did you know either boy?
A No.
Q Hadn't seen them before?
A No.
Q What about them do you recall. Can you tell me anything about them?
A One was short, he had dreads, he was darker skin. The other one was a big guy, over 6 feet. You know, he was just a big guy that's basically. I couldn't say whether he was -- the only thing I can say was he was a big guy and that he was a lighter skin than the smaller one and that the smaller one had dreads. Because of the fact that I wasn't that close, I couldn't give you

details of what they look like.

Q Okay. You refer to them as boys. I want to ask you if you have an opinion as to how old they were?

A Well, I knew they were all under 25.

Q Okay.

A One of them seemed like he might have been close to 18, 19 years old, the bigger one. He was a big guy, he didn't really look that old. The other one he looked, I don't know, maybe he could have been just a year or so older than the other one. As far as the size and the way they were dressed, and what have you.

Q Did you, at this point now do you recall any time when you have seen either of them in the apartment complex before that day?

A Not to my knowledge I haven't seen them.

Q And so how about how they were dressed or what they were wearing, do you have any memory of what either one of them had on?

A Not specific. I really didn't pay that much attention to it. All I know is that they were, let's see, I really didn't pay that much attention to them. Just had normal clothes on.

Q Okay.

A I wasn't specifically looking for anything.
Q Sure.
A As far as they were concerned they were just people walking down, two guys walking down the street.
Q And was that unusual that there would be two older teenagers walking down the street?
A No, no. It's an apartment complex and there is apartments on each side. There are families, there are a lot of youngsters living in the apartment complex at this point. When I first moved in, there wasn't quite as many males, younger males in the apartment.

So you see them all day. You just see them when I'm home, you know.
Q Hanging out, walking around?
A Hanging out, they're walking around, what is it, they are interacting with each other. Sometimes they have cars parked, they are sitting on cars. I don't really pay a whole lot of attention.
Q Sure.
A It is just that particular morning, which I do every morning, I just look out. It is really more of a safety thing. If I'm going to leave out

of my house, out of my apartment, I want to know what is surrounding me.

Q Okay.

A So I don't really always look at features and clothing they have on, this kind of thing. I know this little guy with the dreads, he was so much shorter than the bigger guy.

Q Okay. And when you saw them, can you use that laser pointer and show me where on the map here the boys were when you first saw them. Were they on Canfield Drive?

A Yes.

Q Can you use that and show me where you first saw them?

A They were on this, let me see. They were kind of, this map is really confusing me because they were on this side of the street.

Q Okay. I don't know if that's, that might be pointing up to high?

A I'm just saying they were on this side of the street.

Q So on --

A They were on this side of the street.

Q On the south side of the street?

A They were on this side of the street. My

apartment, wait a minute, I'm getting confused. My apartment is over there.

Q Uh-huh. Over here? (indicating)

A Yeah, they were on this side of the --

Q Over here? (indicating)

A That's too far over. You have Canfield Drive and Coppercreek and all of this over there. They were on the opposite side of the street from my apartment.

Q Okay.

A There is a fire hydrant on my side of the street. They were like the fire hydrant was right here and they were kind of just a little bit, I'm trying to think now. They were a little bit, not quite even with the fire hydrant.

Q But the opposite side of the street?

A Okay. So that is kind of confusing me because I'm looking at it from my side.

Q Sure, yeah. This is an aerial view.

A They were on the opposite side of my apartment.

Q Okay.

A Which means that when they were coming, they were coming like walking kind of like, not straight, they were kind of walking at an angle and

they were like not all the way in the middle of the street, but they were still in the street.

Q Okay.

A And when the policeman pulled up to them, it kind of like blocked my view of what was going on because of the size of the vehicle that the cop was in.

Q Okay. Let's back up then.

A Uh-huh.

Q So the boys were walking on Canfield?

A Right.

Q Were they walking in that direction toward Northwinds or were they walking towards --

A No, they were walking toward Northwinds. The policeman was going toward West Florissant.

Q Okay. So the policeman's vehicle is moving toward them and they are walking to the police vehicle. They're facing each other, the vehicle and the boys as the boys are walking?

A Yes, the police were going this way and the boys were running this way.

Q Could you tell this was a police vehicle?

A Sure, it had the emblems and everything on it.

Q Okay. Had how about the lights, you know,

police cars have the red lights?

A He didn't have any lights on.

Q All right.

A It seems likes he was coming from Northwinds from that way, that is the way he was coming.

He had no signal light on and then he just stopped. He didn't stop all the way because he still had, his car was still running, he just had, like you just know how you pull up to somebody and you switch to put on your brake and he was talking to them.

Q Okay. So you observed the vehicle come up to the boys and you said it looked like they're talking. You could see their hands moving and stuff?

A Yeah, that's all I could see was movement. I knew that there was some kind of verbal conversation going on between the three people.

Q So the car is between you and the boys, correct?

A Right.

Q And so does that mean that the boys would have been on the driver's side of the vehicle?

A Yes.

Q It looked like they were near the driver's door?
A At that time the first beginning of it they were kind of a little ways away from him because he was talking to them through the window.
Q Okay. And so about how long do you think this part of it last?
A A couple of seconds, not really long.
Q Could you see the officer inside the vehicle?
A I could see him inside the vehicle, but, you know, just the shadow of him because, you know, his window on my side was up, so I could only see the shadow of him.
Q So could you tell if he was white or black, or male or female, or anything about the officer?
A You mean when he was in the car?
Q Yeah.
A Not really.
Q What about, could you tell if there was anyone else inside the vehicle?
A There was only one person.
Q All right. And so you said that this part of it where they appear to be talking to each other

last just a couple of seconds and so what happens next?

A The boys walked away.

Q Okay. And then at this point are the boys just still walking casually or they running?

A They still in the street, they still just walking casually.

Q They're not running?

A No.

Q Okay. So then what happens?

A The cop backs up, he backs up a just a little bit and stops and gets out. He backs up to catch up with them.

Q Okay.

A He catches up with them, by then the boys, the little one, he's kind of away from, he was not at the window, he's kind of walking away. The bigger guy was having some kind of interaction with the cop.

Q Okay. I think you described, initially you described that you could see their hands going back and forth?

A Yeah, it was like. It was like, if I'm talking to you in the car and we're having a discussion and something happens and you're like

wrestling with each other, not wrestling, you know, the hands are going, you can see the hands going.

Q Okay.

A I could not see what was actually happening, all I could see was the moves.

Q Was the police vehicle moving?

A No, the vehicle was stopped.

Q Was it rocking or anything like that?

A No, it didn't look like it was rocking to me.

Q And just from your, just from what you could see, could you tell or did you have an impression as to might have initiated the physical part of it, could you tell? Could you see the officer reach his hand out of the vehicle to grab the boy or you saw the boy stick his hand in the vehicle first, could you tell who started it?

A No.

Q Okay. And so could you tell whether any punches were exchanged?

A Not from where I could see because, I never saw anything other than the top of the kid's head and the fact that they were tussling with each other. I never seen him bend or I never seen any movement where there was punching or anything. All

I could see was like they were wrestling through the window.

Q I want you to think and if you need to close your eyes and picture it in your head, did you ever see the boy that's wrestling at the officer's vehicle with the officer, did you ever see, you can see his head, he's taller than the car then, right?

A Yes.

Q Did you ever see his head disappear?

A No.

Q All right. And you couldn't see what was going on inside of the car?

A No.

Q All right. And then how long did that wrestling part last?

A I don't know, maybe, not long, it wasn't a long confrontation. Maybe about ten seconds or something, I'm not sure, that's just a guess.

Q And then what happened next?

A The boy broke away and started to leave.

Q Okay. Now, at this point had you heard any gunshots?

A No.

Q So when you say the boy broke away, you mean the taller, bigger boy?

A Yeah.

Q And I know you said that the smaller boy kind of was not right at the driver's window, but was kind of off to the side?

A Well, he was out of my sight.

Q Okay.

A I don't know where he went, but he was not in my sight, which means he could have just went further down the street and would have been out of my view.

Q Okay. So you don't know what happened to him?

A What happened to the other boy?

Q Right.

A No. All I know is he's walking away.

Q And at this point did you notice any other cars that were on Canfield Drive?

A I didn't see any other cars.

Q And so you say that the boy broke away and then what happened, what did he do?

A He just walked away and he walked out of my view.

Q When he broke away, did he, so if I'm the boy and this is the police vehicle. And, obviously, they were close enough that they were touching each

other at the point where they were wrestling?

A At the window, yeah.

Q Okay. So when you said the boy broke away, did he step backwards or did he turn back from the vehicle and walk away or did you see any of that?

A Um, all I saw was whatever they were engaged in, obviously, must have been over or somebody was able to get their hand off of each other and the boy walked away.

Q Okay.

A He kind of walked away not real slow, but not real fast.

Q Okay.

A And that's when the policeman got out of the car.

Q Okay. So now at this point, when you say the boy broke away and started walking not real fast, but not slow, which direction was he going?

A Toward what is the name of those apartments?

Q Northwinds.

A Northwinds.

Q Okay.

A He just proceeded in the direction he was

going before the incident with the policeman.
Q Okay. So at this point you see the officer get out of the patrol car?
A Uh-huh.
Q Or the patrol vehicle. Could you see him at that point enough to tell if it was a man or a woman, white or black?
A Yeah.
Q Was it a man?
A Yes.
Q White or black?
A White.
Q Could you tell if he's wearing a policeman's uniform?
A Yes.
Q At this point could you see that he had a gun?
A I don't remember.
Q Okay.
A Seeing him with a gun, I'm not sure.
Q Did the police officer get out of his vehicle immediately after the bigger boy started to walk away or was there any because before he was out of the vehicle?
A It took him, he had to like open the door

and get out.

Q Okay.

A So I'm saying whatever time it took him to get, because if you are sitting in a vehicle you have to step out, get out, and he come out kind of almost at a run. He come out kind of fast.

Q And at the time that the officer came out of the vehicle, did he then move in the direction that you saw the boy moving in?

A Uh-huh, that same direction.

Q At the time that officer got out of the vehicle and you said started, you said kind of started to go kind of fast, kind of run?

A Uh-huh.

Q Could you still see the big boy?

A No.

Q When the officer began running in that direction on Canfield, could you see if he had a gun?

A I could see his left side and I don't know, I'm not sure if he had anything, but he held his hand like he had something in his hand and I could not see it.

Q You are motioning with your right hand. So did it appear to you that he might of had

something?

A He might have had something, but I did not see it. It can if you get out you have something in your hand, you carry in your hand a little bit differently, so I don't really see it then.

Q Okay. Did the police officer then move quickly or return out of your sight?

A Out of my sight.

Q And then how long after you lost sight of police officer did you hear some gunshots?

A A couple seconds.

Q You said it was more than two, could have been four?

A It could have been. It was kind of shocking to hear it because it was such a minor, thought minor thing that I saw before the gunshots.

Q Okay.

A And so I know I heard pow, pow, pow, and then I just said, you know, how you say it, I don't believe this, can't be a shooting back here.

Q So at this point everything that you see at this point are you still looking out the same window?

A No, I left the window.

Q From the time you first looked out the

window and you saw the officer and the bag boy out of your the window?

A I moved away from the window.

Q When did you move away from the window?

A After the policeman went down and when I heard the shot.

Q Okay. But before then had you been at the window the whole time, from the time when you first saw the boys talking to the time you moved away, or did you like step away and get your cell phone and then come back to the window?

A No.

Q You were at the window the whole time that you said you were watching this. Do you understand my question?

A Yeah, I understand your question. What I'm trying to say was, when I saw the boys, I kind of backed away from the window a little. When I kind of just look back, I didn't really go back, I kind of look back and that's when I saw the police car. That's the only time I'm at the window until the cop moved.

Q Okay. And now you said after you heard the shots, you didn't see the shooting, you said you got dressed?

A Yeah. I just had on some shorts and things in the house, so I couldn't go out like that. I just put on my pants and went out.

Q You went outside?

A Yes. I'm hearing the shots and then I'm seeing people, you kind of could hear too, you know. I heard the shots and then I said, I saw people, you could hear people by then, people were kind of screaming.

So I could hear them through the window. So that's when I put my clothes on to go out.

Q Okay. So other than the shots, you couldn't hear anything that was going on between the boys and the officer?

A No.

Q You didn't hear anybody yelling or say anything that maybe you couldn't make out?

A No.

Q And so when you left your apartment, did you go down to Canfield Drive, did you see the boys?

A I had just come out of my apartment, still in the apartment lot. I had never left the parking lot where I could see. I wasn't going to get too close to that, so I stayed back.

Q Could you see someone lying in the street?

A Yeah.

Q And did it look like the same big boy that you had seen?

A Same one.

Q Could you tell?

A Yeah, I could tell. It was the same one.

Q Okay. Did you, when you got down there. Already officers at the scene down there or the police hadn't gotten there yet?

A That's kind of questionable. I saw this one white cop, blond hair, he looked like the same one that was in the confrontation. He was putting out some cones, put some cones down to make sure that traffic gets, you know, doesn't get through there. And then after that I saw another policeman coming.

Q Okay. Was it in a police car?

A Yes.

Q Did he come from the direction of West Florissant or from the northbound direction?

A Uh, looked like to me the car was, I'm not sure. I didn't really pay a whole lot of attention to that. All I saw was the two of them standing on the side, the one was like here, my apartment was

over here and they was on the other side of the street because they were further down. From further down from where I was.

Q Okay. How long did you stay out in that area in the parking lot area that day?

A About an hour or so.

Q Could you hear people talking, people that gathered, people were coming out of their apartments, right?

A Coming out of their apartments. There was too many for them. After a while they were coming from other apartments on the other side.

Q Did it appear to you that the people that were beginning to gather, were they becoming angry or agitated?

A They were more, more like in shock. You just don't see a body laying in the street every day, you know. There were some people there that I think must have been family members that were real upset. I didn't see anybody who was actually violent.

Q Did anyone that was out there ask you if you had seen anything?

A No.

Q Did you hear anybody saying anything about

don't talk to the police?

A No.

Q Was it later that day that a police officer knocked on your door?

A No.

Q Where is it that you saw the police officer?

A Never.

Q No one ever knocked on your door?

A No.

Q Anybody leave a card for you?

A Later on, much later on.

Q And would that have been like the next Saturday?

A I saw them, but they never put a card on my door.

Q But you talked to the FBI?

A No.

Q You didn't talk to the FBI?

A No.

Q Who did you talk to?

A I have a son who is in law enforcement. Found out my daughter called him to let him know. I told him I saw that, but I really didn't want to be involved in it. And we went downtown to see and

talk to the FBI. The never came to my house, ma'am. The police nor the County Cops, Ferguson Police never asked me any questions.

Q Okay. So you did talk to the FBI and talk to them about what you saw?

A Yes.

Q Was there any other law enforcement officers that you talked about what you saw?

A No.

Q Any other people besides that came and talk to you about what you saw?

A No.

Q Do you know any Ferguson police officers?

A No.

Q Do you know any members of Michael Brown, you know, Michael Brown was the boy that was killed?

A Right.

Q Do you know any members of his family?

A No.

Q Anybody in his family or representing his family, ever try to come and talk to you?

A No.

Q Is there anything else, let me ask you, ma'am. You are wearing glasses today?

A Uh-huh.

Q Do you need those glasses to see?
A No, ma'am.
Q I'm not going to test you.
A The only thing these are for is for me to read.
Q Yeah, I got the same so. So you can see distance without your glasses?
A Without my glasses.
Q And what about that day, do you remember if you had your glasses on?
A No.
Q You don't remember or you didn't?
A I didn't have it on.
Q You didn't?
A No.
Q How about your hearing, do you have any problems with your hearing?
A No.
Q Is there anything that maybe I haven't asked you so far that you think is important for the grand jurors to know about what you saw that day or what happened after that?
A Not really, except for the fact that I'm kind of living in fear. I don't know whether to stay where I am because it wasn't a good place to

stay. It wasn't the best in the first place, but now it's like you get all kind of elements, people are always there, it is just bad.

Q Have you, do you think that people in that area know that you've seen this, do you talk to your neighbors about it?

A No, and the reason for that was that's the only reason why I agreed to make a statement was, and that's why we did it the way we did it. He said it was the safest way. He didn't want to put me in harms way was for me to go to the FBI rather than, I told him I wasn't going to talk to Ferguson.

Q And why is that? Did you have any prior experiences with the Ferguson Police Department that would make you feel that way?

A No, but I seen things.

Q Okay.

A And, um.

Q You've seen things that make you leery of talking to Ferguson?

A Yes.

Q And is that, let me ask you this. The thing that you saw, do you know if it had to do with that same police officer?

A I really did not know the police officer

that was involved in the shooting. I have to kind of give you a background on me. I don't have a lot of interaction with policemen.

I think I've gotten a ticket twice and they were completely out of my area. Anything else, I just don't get involved with them. I do what I'm supposed to do, try to follow what I'm supposed to do. I work, I work most of the time, I'm gone five days a week, most of the time working. And when I'm home, when I'm there in that apartment, I stay in my apartment, I mind my own business.

I know of maybe one or two of the neighbors that's in the apartments. I speak to them and I keep going.

But I sit in my apartment, I see the police coming down the streets. I have a problem with them doing 50, 60 miles an hour coming down the complex where you've got children and people walking all the time and it is five, six, seven, eight cops and they're all speeding down the street. Less than five minutes later you see them coming back. You see them, they all pull up into the parking lot and there will be, oh, I don't know in these funny looking suits and playing cards.

They surround the parking lot to go

in, and they go into some apartment, and I don't know which one, and then they come back out. I mean, it is just a lot of things that go on.

Frankly, I'm really not use to this. This is my first experience with an apartment. I've always lived in a house and never lived in an apartment before.

And the things that go on, you know, make me kind of leery of the police because they, when they come in, if you come to go get in your car, get back in your apartment, get back in your apartment. When there is really nothing going on.

If you got a warrant for somebody to go in or something, you know, it is for you to talk to people. The little bit that I did do interaction that I did see with them, the tone, the way they talk to you, the way they approach you.

I had a couple of them knock on my door because they was looking for somebody. You knock on my door and you want me to give some information, there is certain way you talk to me. I'm not violating anybody.

Q You feel that the police officers --

A Sometimes I think they're bullies.

Q And disrespectful?

A Disrespectful, very disrespectful.

Q And so I understand, is that some of the reasons why you didn't feel comfortable talking to Ferguson. Is it Ferguson Police Department that you have that feeling about or is it all police officers?

A Not all, Ferguson.

Q And, again, just to clarify, did you ever witness the officer involved in the shooting?

A No.

Q Ever see him behave in that manner?

A No, I never saw him. To know him, I never seen him.

MS. ALIZADEH: I don't have any questions. Sheila?

MS. WHIRLEY: Yeah, hi.

A Hi.

Q (By Ms. Whirley) When you were interviewed by the FBI, that would have been August the 12th, a couple days after this occurred; is that right?

A Right.

Q A few days, I guess. When you talked with them, I've read your statement, it indicates that you thought, it appeared to you that Michael Brown was trying to get away from the officer when you saw

what was going on in the car. Do you still have that opinion?

A Yeah, they were, I mean, they were just like, you know, I mean, it is like tussling with each other. And he was like, I guess, he was trying to get away and he finally was able to break away and that's when he walked away.

Q Okay. It appeared to you that the police officer was actually holding onto Brown as he was trying to get away?

A Yeah, he was holding, I mean, they was tussling. They were just tussling. And it was like one was trying to hold the other, you know what I'm saying?

Q I do. And at the time that you were talking to the FBI, you thought it was the officer that was trying to hold onto Brown?

A Yes.

Q And Brown was trying to get away, that's what it appeared to you?

A Uh-huh.

Q When you saw the officer, once Brown did get away, you said he was kind of, the first you said running, but more walking fast?

A Walking fast.

Q Okay.

A He was a big guy and when he broke loose, he just like went at a fast pace, but not in a total run.

Q I understand. And he was going in the opposite direction of the officer?

A Right. Same direction he was going when the policeman approached him.

Q Approached him, okay. And then you saw the officer get out of the car and I think in your statement you said it appeared that he was running after Brown and his gun was drawn, does that sound familiar that his gun was drawn?

A I'm trying to mentally see.

Q Sure, that's what we want you to do.

A Because it has been a while. I don't really want to deal with it.

Q I understand.

A When he got out of the car, he jumped out, I could see him when he was getting out of the car, okay. When he got out of the car, wherever his gun was, he must of had to reach for it because when he got out, I could see his hand on this side and then when he got so far, I could see the beginning of the gun, like he had something in his hand.

Q Okay. And it looked like a gun?
A Yeah.
Q In his right hand?
A Yeah.
Q You are motioning with your right hand.
A Yeah, with his right hand because it was all on that side. That is why nothing is really totally just say clear because he was on the opposite side of me and I'm looking at him from this side.
Q Okay.
A From this side.
Q From the passenger side?
A Yeah, because he was on the passenger side of the car.
Q Who is on the passenger side of the car?
A The cop when he got out, he got out of the passenger side of the car.
Q Okay. He didn't get out of the driver's door?
A I mean, I'm sorry, the driver's side of the car. I'm saying on the passenger side of the car.
Q So your window is facing the passenger side of the car?

A Passenger side of the car and he's on the driver's side.

Q Driver's side?

A That's what I meant to say.

Q Okay. But you could see the tussle from where you were looking?

A I can see movement.

Q Okay.

A That's why I say it is not clear to me who was doing what.

Q Okay.

A All I can see is the top of Michael Brown's head and then I can see figures or --

Q Can you see their hands?

A You can, yeah, because I can see them tussling through the car, it is like movement.

Q Okay. Can you see --

A You can see Michael's arms and things up here and you can see him moving.

Q Did you ever see Michael Brown's hands go for the officer's weapon?

A All the way inside the car?

Q Yes.

A No, I didn't see that. I'm not saying it didn't happen, but I did not see that.

Q Okay. And the other guy that was with him who has identified as Dorian Johnson, where did you see him once Michael Brown walked fast away from the car?

A I didn't see him.

Q You didn't see him any more?

A Huh-uh. He had already went past my view.

Q Before Michael Brown left?

A Before he broke loose.

Q Before he broke loose, okay. Did you hear any shots while the tussling was going on?

A No.

Q So at what point did you hear, I think you heard two shots; is that right?

A I say I counted two and then after that I just didn't count any more.

Q Okay. At what point did you count two shots, what was going on when you counted hearing two shots?

A I started hearing two shots, the policeman had already gotten out of my view and next thing I heard was shot.

Q Okay. So Michael Brown was walking fast away from the officer?

A Uh-huh.

Q The officer get out with his gun drawn and was following him, is that when you heard two shots?

A Right, I heard the shots after that.

Q Okay. And then after that did you hear some additional shots? Like was there a pause between the first shot you heard and then more shots were fired?

A I'm trying to think if it was a pause. It was a very little pause between the shots that I heard.

Q Okay. You heard a certain amount of shots, a very little pause and then some more shots?

A Uh-huh.

Q And then I think I read that you heard someone yelling after you heard the last shots?

A Yeah, there was somebody yelling, but I don't know who it was.

Q Okay. I think you just said you couldn't make out --

A I heard some yelling and then I guess that's when whoever heard the shots that was closer to him must have started to come out of their apartments.

Q But you didn't see any of that?

A I didn't see anything, but I could hear.

By then you could hear some sounds from people hollering because then it was over with.

Q Okay.

A So you hear the aftereffect of people realizing something has happened they are coming out screaming and hollering, and there was a lot of screaming and hollering.

Q How did you know that it was over with, like what happened to let you know it was over with?

A You didn't hear any more shots.

Q Okay. So when you heard those last shots, then you heard someone yelling?

A Uh-huh.

Q And no more shots?

A No more shots.

Q No more shots, okay. When you got dressed and went back out or went out, where did you go when you went out. Did you go like on your porch, did you go down to the street, where did you go?

A I come down into the parking lot.

Q Can you show us here on the map if it is visible or if you can figure out where you were?

A There's a parking lot, see this parking lot here?

Q Use the laser pen.

A This really confuses me.
Q And if you can't do it, it's okay.
A When you come out of my apartment, there's a parking lot and a parking lot there and there's a parking on the side, which is like they got there looks like that's the parking on the side, but there is also parking in between.
Q Okay.
A I just come down and walked out of my apartment and walked over toward.
Q Canfield Drive, this is Canfield Drive.
A But I didn't leave the parking lot, I stayed back on the parking lot because they were already, by the time I got down they were putting out cones.
Q Okay.
A So I just stayed back. I was able to see even with me standing back, you can see the boy in the street. All I had to do was walk so far and then I could see down the street.
Q Okay. So they were putting cones out by the time you came?
A Uh-huh.
Q So you saw other police officers and police cars by the time you came downstairs?

A Well, when I first came downstairs I only saw one policeman and then another one showed up and then another one showed up.

Q Shortly thereafter?

A Uh-huh.

Q But at the time of the altercation, the shooting occurred, you only saw one officer?

A I saw only one police car.

Q One police car. Were the people, you said they started coming out, when you came out when they were putting out cones, is that when you saw a lot more people coming out?

A People started coming out. Boy's laying here, on the side I am, you could see them flowing from back here. And then they started from that side, and then all of the sudden they were coming out, because see, there is apartments back there. So they were coming out, they were coming around into where, where my apartment is into that parking lot.

And then there wasn't, I'm trying to think how long after all this happened that I saw his mother come out. She was easy to recognize, she had the blond hair.

Q Did you know his mother?

A No.

Q Never met her before?

A I heard, the people were saying she kept hollering, my baby, my baby, you know she was the mother.

Q Right.

A And they were trying to hold her. There was just a lot of people, a lot of people and a lot of screaming.

Q Can you show us on the map where you saw his body fall? You didn't see it fall, but where it was when you came out? If you can. Can you tell on this map where his body rested, Michael Brown's body?

A It is kind of hard for me to say because.

Q Can you hit that little button. If you cannot --

A Canfield Drive, why is Canfield Drive up there. Copperfield, should be, I thought that was --

Q Coppercreek?

A I thought that was on the other side of where I am, but anyway, he was -- like my apartment is right there, I'm right here, he was down from me somewhere in here. (indicating)

Q Okay, all right.

A Cause see right here, right here on this end is the dividing line where my view gets, but not there, but you know what I'm saying?

Q I do.

A As you come out of my apartment you come there, right there, I can't see after that.

Q Okay.

A That's the end of, like the apartment ends there and then I can't see any more from there. I have to come out of my apartment and come to the end of the parking lot and look down the street.

Q One thing you mentioned that it was such a minor incident to end up, I think, in somebody being dead?

A Right, it was.

Q Tell me what you mean by that?

A Here is two guys walking down the street. They're in the street. The policeman pulls up and says something to them. They say something back, they start to walk away. Then the police backs up and then there is a confrontation between him and one of the guys. Then the next thing you hear is shots.

I mean, it was such a small incident

if they were in the streets, he didn't want them in the streets and he told them get on the sidewalk. That should have been it.

Q And if they didn't obey and get on the sidewalk, then what are your thoughts?

A What are my thoughts?

Q Yes.

A I don't think he should have died from it, he could have arrested him.

Q Okay.

A Jaywalking, and that's basically what it was if that's what it was. It just seemed to me it was just such a, I mean, that's just my point of view that it was such a minor incident, the boys didn't have a gun, there was no big deal on just jaywalking and just to me it seems a waste of life to me, that's just me.

MS. WHIRLEY: Okay. Questions?

MS. ALIZADEH: I just want to clarify some things.

Q (By Ms. Alizadeh) Ma'am, I totally understand and agree that as we sit here now some several weeks later and we have learned a lot about what happened that day, it does seem like a waste, it seems terrible that this happened. A couple of

questions I have for you though is that when you were looking out your window, you said you could see the hands going back and forth?

A Right.

Q Do you remember telling the FBI agents that you could see Michael Brown's hands in the police vehicle?

A In the window of the vehicle.

Q Right. Inside the vehicle, past the window. If the window were up, the hands were inside, correct?

A Yeah, if they're wrestling, there's confrontation, I'm in your window, my hands are in your window.

Q Okay. From your vantage point, because when Sheila asked you if you could see Michael Brown going for or trying to grab the officer's gun and you said no.

A I didn't see that.

Q So what I want to clarify is, are you saying that didn't happen because you could see what was happening, or are you saying, you know, I can't tell what was going on in the car so I didn't see it go on, but I don't know what happened?

A That's what I'm trying to tell you. All I

could see was their hands going back and forth.

Q Okay.

A I never saw anybody reaching for a gun or reaching into the car to try to get his gun. In that case from what I could see, if he had to, if he reached into the car, he would of had to have been in some kind of way, no way he could have stood up straight and reach in the car without me seeing it.

Q Okay.

A And all I ever saw was the top of his head and them wrestling through the thing. I never saw him bend to reach in the car, I never saw the policeman reaching in his gun holster to get his gun, all I saw was them wrestling at the thing.

Q Okay.

A Now, but that don't mean that I didn't, there's something I could have missed something, but I did not see anything beyond that.

Q Okay. When you first saw the boys, and you just said today you really don't recall what they were wearing in particular. You could see their hands when they were walking, right?

A Uh-huh.

Q Did you see anything in their hands?

A I don't remember seeing anything in their

hands, no. I don't recall seeing anything in their hands.

Q And now, I mean, we know today, we know, and nobody is disputing that Michael Brown, we know he did not have a weapon, okay. I'm not trying to imply that he did when I ask you these questions, but when you saw him, you couldn't tell if he could of had a weapon in a pocket, in a waistband, from your vantage point you wouldn't be able to tell that, would you?

A No.

Q And once he ran out of your sight, and if you're here and this building right here, this one right here, once they run past a certain point, you can't see beyond that building to what happens, right?

A No.

Q And so whatever happened after they ran out of your sight, you can't say one way or another what happened; is that right, is that fair to say?

A Fair to say.

Q Okay. So at the time, and today I know we know a lot more today than, obviously, people knew as it was going on. But at you sit here today, I know you said it just seemed like such a minor

incident, the officer should have arrested him for jaywalking?

A No, no, that's what I'm saying. I was just saying in the real world or in a good scenario what I saw just seemed like such a minor thing for it to end up the way it did.

Q Okay.

A That's all I'm saying.

Q Okay.

A Just seemed such a waste. I'm not saying what happened when it got past me because I can't testify to that, I don't know anything about that.

Q And exactly what was happening inside that car, you really couldn't tell?

A No, and when I made the statement to the FBI I told them that. I could not see inside the car.

Q Okay.

A All I could see was them wrestling at the window.

Q And from your vantage point, you did not see him, Michael Brown, I mean the big guy, it didn't look to you like he was reaching far enough in the car to where he would be reaching for a weapon?

A No, but then if I'm looking at you, there might be some things that I don't see.

Q Uh-huh.

A Some things that my memory don't record. I'm not going to say what did or did not happen. I can only tell you what I saw.

Q If, I'm not saying this is true or not, I'm just asking you to think about this. If the officer had drawn his weapon and he was holding his weapon closer to his, the door. In other words, if he has a right handed holster, and then if he had removed a weapon and had it closer to the door, would Michael Brown have been able to, given what you were judging from his height and from what you saw where his head was and everything, could he have touched or reached the weapon if that were the case?

A Well, I guess if the policeman had the gun up in his, up high enough where he didn't have to bend to get it or to move his body to get it, I'm assuming that could have happened, that could happen. I don't know that.

Q And I think that, I don't want to imply that you are saying it did or did not happen because I think it is clear that you don't know.

A No, I don't.

Q And that's fair, but when you said you didn't see him, it couldn't have been like he was reaching for his gun, are you basing that assumption on if the officer still had the weapon in his holster on his right hip, you never saw Michael Brown go far enough in the vehicle to actually remove, try to get the gun off of his right hip, would that be fair to say?

A Yeah, that would be fair to say. I can say that, that I didn't see that.

Q Okay. But if the gun were already out of the holster and maybe being held across the officer's body, is it possible then from where Michael Brown was, that he could reach the gun without having to lean in the way you would of thought he would have to lean?

A Could be. If I was in the same position and you could see me and he put it up high enough for me to do it within arms reach, I guess I could do it to.

Q And, again, I'm not saying one way or another, I'm just asking you because I think you made certain assumptions when you were saying he couldn't reach the gun and that's based upon you believing that the officer's gun was still in his

holster that he couldn't reach it?

A Yeah.

Q Okay.

MS. ALIZADEH: I know you all have a lot of questions.

MS. WHIRLEY: Just one thing. My question wasn't could he reach the gun, was it did you see Michael Brown struggling with the officer over the gun?

A No.

MS. WHIRLEY: That's my question.

MS. ALIZADEH: I understand, Sheila.

MS. WHIRLEY: I was making it clear.

MS. ALIZADEH: I didn't know if she meant that didn't happen because I saw, I could see it and it didn't happen, or if her answer was I didn't see that.

A Well, see what I was saying when I say that I didn't see him reaching in the car, I did not see that. All I saw was them tussling at the window, I never saw him reach in, or anything like that.

Now, that's not saying that what you said about the gun as far as the policeman was concerned that it was in a different position, but

when the question was asked of me was, did he reach in to try to take the cop's gun. And I said, no, I did not see that.

MS. ALIZADEH: Okay. I think that's, and these are all just points we are trying to clarify.

A Uh-huh.

MS. ALIZADEH: I'm absolutely not trying to imply one thing or the other. So questions? Did you ever at any time see him stick his head inside the police car?

A No.

When you, the first time you saw the two guys walking and the police approaching them and you say you saw the police drive away and proceeded on or the young man proceeded on. When the police came back, could you tell if he came back in a speedy way or did he just back up normally?

A What happened was, he said something to the boys. The boys said something to him. The boys proceeded to walk away. The policeman must have thought for a second, he backed up to go back to where they were.

That's what happened. I mean, he

didn't speed up any because they only had gotten a few feet from him when he decided, when I guess he wanted to have some more to say to them, he just backed up.

Okay, thank you.

A Uh-huh.

When you saw Michael Brown's head on the top of the SUV, do you know if he was wearing anything on his head?

A I think he had a hat on, a cap or whatever, you know.

Thank you.

MS. ALIZADEH: Ma'am, I'm just asking you if you recall when you talked to the FBI agents, and these were two women agents, right?

A Right.

MS. ALIZADEH: Do you remember telling them that you saw, and I'm talking about when the vehicle backed up, that you saw the vehicle jerk and back up a short distance?

A Yeah, he did. Cause when he backed up he jerked, like he put his foot on the brake or something.

MS. ALIZADEH: I was trying to clarify when you were asking about and I wanted to know what

you meant about that.

A If the policeman probably wanted to say something, he didn't want them to get away. So what he did when he put it, just when he backed it up, he just put on his brakes real hard, real fast and the car kind of jerked.

MS. ALIZADEH: From your position, did it look like he came close to hitting the boys or did his vehicle contact either boy when he backed up?

A I didn't see that.

MS. ALIZADEH: Okay.

You said you don't know if you want to continue to live there any more. Do you feel it is because of the police or because of the residents and the danger or everything?

A I'm going to move anyway.

Okay.

A I've got a lease and I can't move right now. I mean, my family's having major problems.

Yeah.

A There's a lot of things that make me want to move. Too many young people, too much riffraff, there is shooting, they get out at night, on weekends and shoot up in the air and all that stuff.

The police has been called several times for it. The apartment managers or owners, or whoever they are, does nothing about it and all of that is violations. They should have been gone, but they do it.

I'm getting too old to be putting up with the riffraff. They are a bunch of youngsters. Youngsters are in a learning phase, they do all kinds of crazy stuff. And I just want to live somewhere where I don't have to live with all of that, okay.

Has nothing to do with the cop shooting the kid or the kid causing the shooting, whatever it was, had nothing to do with that. But the aftermath of this is what I'm talking about.

I don't want to live years, all of the sudden somebody come and either take my life or shoot me up or beat me up, and I'm abiding by all the rules or as many of them as I can. I'm not going to say I'm perfect. We all do things that we shouldn't do, all right.

MS. ALIZADEH: Any other questions? Okay. This will conclude the testimony of this witness.

(End of the testimony of)

MS. ALIZADEH: This is Kathi Alizadeh on

October 23rd, 11:07 a.m. Present in the grand jury is Sheila Whirley and all 12 grand jurors and , the court reporter.

The next thing we're going to do is play a statement for you. The statement is from a witness named . I believe it's, , I'll verify that.

She had previously talked to the County Police, but this is a statement you're going to hear is a statement that was done yesterday, I believe, at FBI headquarters. I can't be sure, but the statement is being taken by, the questioning is being done by , who is the attorney for the Department of Justice. You have heard her voice on several statements. You will also hear the voice of , who is the assistant United States attorney who you probably heard his voice on several statements.

And there is also an FBI agent who is a female who is a female who pipes in a couple of times during the statement. I'm not sure as I sit here today because I listened to this last night because I got it last night because it happened yesterday afternoon.

I can't recall if they identified who the

FBI officer, but this was a statement done yesterday.

The statement lasts an hour, and hour 40 minutes, 38 minutes. So it might be that we break after hearing the first hour of it. Since it is a little after a 11 now, and then you guys can have your lunch, then we would resume and let you listen to the last part of it and then have the witness testify in the afternoon, all right.

With that being said, , because we don't have a transcript, I would like you to transcribe the interview. But we can pause the recording since we've marked this disc that contains the interview as Grand Jury Exhibit Number 50.

(Grand Jury Exhibit Number 50 marked for identification.)

: I don't know street names, but I can give you detail directions that I went.

MS. : Oh, that's fine, I'm just going to go ahead and just kind of do a little introduction, okay.

It is October 22nd, 2014. It is approximately 2:14 p.m. This is special agent at the FBI field office, 2222 Market Street, St. Louis, Missouri. I am here with USA

, DOJ prosecuting attorney and we are interviewing?

MS. : And, , can you spell, is it, your name for me? It's capital

MS. : Do you have a middle name?

MS. : What's your date of birth?

MS. : And your social security number?

MS. : What is the best contact number for you? That's area code

MS. Is that your cell phone?

: Yes, I'm straight cell.

MS. : What's that?

: I'm straight cell.

MS. : Oh.

: No landline.

MS. : What's your address.

MS. : Okay. All right.

MS. So before we begin, you introduced as , is that okay if I call you that?

: Yes.

MS. : Okay. I want to let you know we talked a little bit when you came in. We're just trying to figure out what the truth is and so we don't want to talk about what you may have heard from other people or what you have seen on TV or read or anything like that, just what you know, okay. This investigation, like any other, where we are just trying to get at the truth.

We have to let you know that, we tell this to everybody, if you lie to a federal agent, and you, (inaudible) it is a crime. You are better off not saying a word and just not talking to us if you plan on lying and sitting in here and telling us lies.

With that in mind, we just ask you, we are going to ask you to tell us what you remember. If you don't know something, or don't remember, that's

perfectly fine. Just, you know, as I said, our goal is to figure out what happened, okay?

: Right.

MS. : We don't want you to think if one way or the other (inaudible) of what you have to say, you are just a piece of the puzzle, okay?

: Okay.

MS. : Can you just tell us, we know what you originally said in your first statement, but we as prosecutors wanted to get to meet you. So can you just rundown what you saw and experienced on August 9th?

: Um, okay. You want me to start from where I started at QT?

MS. : Well, yes, I know you stopped at the QT, but you were on your way somewhere to begin with?

: I was on my way to visit a friend from high school that I thought lived off Florissant, but turned out lived in Florissant.

MS. : Okay.

: I ended up in Florissant -- or on Florissant Road.

MS. : Okay.

: Once I realized that I was

lost, this is before I had my GPS. I stopped at the QT. 270 is up here and I stopped at the QT and I asked for directions. And I didn't follow them very well, instead of making a right out of QT, I made a left. And I realized I went the wrong way, so I made another immediate left.

But then I seen the apartments, my friend lived in an apartment. I thought, well, maybe I was in the right spot after all.

And I went down that street and I passed two streets and then a parking lot and went into the second parking lot, which is technically the same one because it loops around a building. And I pulled in there and I made a left and I parked there and then I walked back out in front of that building to ask for directions.

MS. : Okay.

: And then that's when I seen the officer's SUV for the first time, it is a bigger vehicle, for the first time. And he was talking to two African-American gentlemen.

And then he started to leave and then he put the car in reverse and said something, and I did not hear what was said. And then the next thing I know, the heavier set African-American was in the

car from approximately the waist up. And then I heard the gun go off, I didn't hear any kind of conversation. I heard noises, but not what was being said.

I heard the gun go off, I only remember one gunshot. The skinnier African-American took off running and the heavier set one that they call Mike Brown stood up, and I seen him pull his shorts up and take off running.

The officer got out of the car and had his left hand on the left side of his face and the gun in his right hand. And his right hand was shaking and he was stumbling from one foot to the other, and I don't know what he said. All I heard was, or I'll shoot.

And then that's when Michael Brown, the heavier set, turned around and face-to-face with the officer and he had his hands out extended like this, or whatever, kind of like, you know, what are you going to do.

MS. : Okay.

: He wasn't saying anything at that time that I heard. And then the officer had his gun, was drawn and pointed at him, and that's when Brown started to charge, you know, kind of like

a football, like this, with his hands out.

MS. And your hands are clenched.

Right, his hands were clenched at this time. He was slightly bent, but not much. It was kind of like a football charge not, you know, and then that's when the gunshots started.

I don't remember the sequence or the order. I know that the gun went off a couple of times and then stopped and then went off again.

And then when the last gunshot went off, which was in the head, that's when I started to get freaked out and I got in my car and I left. As I was leaving, I couldn't go out the same parking lot I had come in, they had, that was all blocked. So I zigzagged through the parking lot and I popped out the third one over here, and I made a right and went through the neighborhood.

I got lost in there for about 20 minutes, but I ended up on a street that goes in a complete circle and then I made a right and popped out on a side road next to QT, which is where I asked the person at QT again where the nearest highway was.

MS. : So let me go back and ask you some questions I have.

: Okay.
MS. Starting with the QT. When you went and asked for directions, did you go inside or did you ask somebody in the parking lot?
: I asked somebody at the gas pump.
MS. Both times or first time?
: Both times.
MS. : And did you go inside at all.
: No.
If we got surveillance video from the gas pump, you would be on it?
: Yes.
MS. : Okay. And so when you drove, you said you ended up by an apartment complex. You thought it was your friend's apartment complex, what made you think that?
: Because she had said she lived in apartments right off Florissant. And I thought she meant right off Florissant, she meant in Florissant. I never did find my friend.
MS. : Okay. Before you were describing it you said that you thought that you noticed these apartment complexes and you went in thinking that was where she lived and then you got

out and asked for directions again. At what point did you still think you were at the apartment complex?

: No, once I got in there because once I got past the first two streets and I started to go around the bend, it didn't look like the pictures that I had from her, and that's why I was confused.

MS. : What is your friend's name.

:

MS. : Do you have a phone number for her?

: I do, it is at home. She's, we met when

MS. : So you said in high school, right?

: We met my freshman year of high school.

MS. Okay.

MR. : She was one of the

?

: Correct.

MS. : What school did you go to?

:

It was early '80s I guess.

MR. : you went to?

: Yes.

MR. : is her name?

: Yes.

MR. : How do you spell her last name?

MS. : And how do you spell with an I or a Y?

:

MS. : Have you spoken to her since this?

Just a couple times. We were really, really close when

And then they had that situation

, what do you call,

, and we let her

so she wouldn't have to deal with it. We went through a lot together, so.

MS. : You said you never made it to her house that day, did you call her afterwards?

: I emailed her and told her.
MS. : What did you tell her?
: Just that I had gotten lost. I didn't tell anybody anything except for my ex-husband, which he --
MS. : Who is --
: He's being obnoxious.
MS. : What do you mean?
: Well, he told me not to come in here at all.
MS. : Why?
: Just because we have three .
MS. : Meaning what?
: He doesn't, he has cable, I don't. He hears about the death threats and everything and just says that he doesn't want his mixed up in it.
MS. : So why did you decide to go against his suggestion?
: Because the one thing my father taught me before he passed away regardless, you always tell the truth and you always admit to whatever, if it's the truth.
Unfortunately, I have been in trouble once

before by the law.

MS. : Okay. How did you get in trouble, what was that?

: I grabbed a black checkbook instead of a brown checkbook or blue checkbook.

MS. : Did you get convicted of anything?

: Yes, because my dad, even though it was an accident, it is still my signature and the adult thing to do would be to accept responsibility, so I pled guilty.

MS. : What did you plead guilty to, what was the charge?

: You know, I really am not 100 percent sure. I think it was check fraud is what it would have gone down.

MS. : How long ago was that?

: In '07, I believe.

MS. Did you --

: I didn't do any time. I explained the situation to the judge and the judge said since I was taking responsibility, he would give me just probation.

MS. How long were you on probation for?

: Three years.
MS. : Was it a felony.
: It was considered two felonies, but they did an SIS.
MS. : Okay.
: So that as long as I didn't get in trouble throughout the three years that it wouldn't be on my record.
MS. : Okay.
MR. : Did you have any trouble during that three years?
No.
MR. : Have you had any other kind type of problems at all like that?
: I haven't even got so much as a ticket so, before or after.
MS. : So when you pulled into the parking lot in this complex, you got out of your car to ask for directions, was there somebody that you were going over to ask directions or were you just looking for somebody?
: I walked up to the first gentleman I seen, he was kind of a heavy set guy with a green shirt, and had his hair in braids and it was real short.

MS. : Okay. Why did you park your car and walk up to him as opposed to just drive up to him?

: It's just what I do.

MS. : Okay.

: It is easier for me just to park, get out, and then I can sit and conversate and I was able to have a cigarette.

MS. : I guess, you know, if it is all good but --

: I've always done it.

MS. : And that's fine. I'm talking about the reality of life is you are in a neighborhood that you don't know and you are getting out of your car and walking up to somebody you don't know, and I don't know, you are more trustful than the average person, or maybe I'm more skeptical than the average person, especially a woman in a neighborhood that you don't know.

: I just always have. I don't know, I could be down in the city or whatever and ask for directions, and I will get out.

MS. : Okay. So you get out --

: I don't get lost any more, my mom bought me a GPS.

MS. : Okay. You get out of the car and you see this guy, and at what point did you notice the police car?

: I didn't notice him until they were talking the first time. And no, I didn't hear anything that was said the first time around. He was just kind of driving up next to him.

MS. : Did you get the opportunity to ask this guy for directions or was your attention diverted to the police car?

I started to ask him, and then I lit a cigarette, and then my attention became drawn to the police car. That's why I had to ask directions again at QT.

MS. : Was the guy you are talking to, was he watching was going on also?

: Yes.

MS. : So you look over and you see the police car and you say that, when I say car, I mean SUV, and you see some sort of interaction between the police officer and who?

: The, well, I know it is Mike Brown now, at the time it was a heavy set African-American and a skinny African-American.

MS. And did you --

Oh, I'm sorry, I didn't mean to interrupt you, when, um, he backed up, when he first tried to get out, the heavier set one did push the door shut, but so did the skinnier one. And the skinnier one lost a bracelet on the ground, it is a gold bracelet.

MS. : Okay.

: I'm sorry.

MS. : You're fine, totally fine, okay I know in your last statement you said one of the things you kept saying was I'm not a very good witness.

I'm not.

MS. Let me tell you this as a prosecutor. A good witness is somebody who is truthful. And that's all it takes to be a good witness, right, nobody should be a professional witness, right. Because we just ask about what we see going on in our daily lives.

I kind of want to get that out of your head, just focus on the fact that all we want is the truth, right, so and that's ultimately what we are getting at. However, you characterize yourself good or bad, that doesn't matter either as long as you tell the truth, okay.

: Okay.
MS. : Back up to when you saw the SUV and you said you saw interaction and you can call him Mike Brown, you know their names now?
: I know their names now.
MS. So then you can call them Mike or Dorian, whatever you feel comfortable.
: Okay.
MS. : You see the SUV and you see the interaction, who was interacting with whom?
: They both were interacting the second time.
MS. : So the initial thing that you see.
: The initial time I only seen the officer say something to Mike Brown.
MS. Okay. How do you know the officer was talking to Mike Brown.
He was closer and Mike was responding. And it was definitely conversation, I just have no idea what was said.
MS. : Okay. Was Mike Brown going in the same direction or opposite direction of the SUV.
: When I looked over there they were side by side.

MS. Okay. Where was Dorian Johnson relative to the SUV?

The first time?

MS. : Right, in this initial, when you initially see him.

He was off about 3 feet.

MS. : Was he closer to the back of the SUV or the front of the SUV compared to Mike?

Compared to Mike, I would say the back, but I don't really remember.

MS. : Okay.

: I don't, I honestly, I mean, I didn't give it a whole lot of thought until after Mike Brown went into the car.

MS. : We understand that. Our job is to push you and see how much detail we can get out of you.

: Right.

MS. : If you don't know, you don't know, that's why we are asking all of these questions.

MR. : When did you first see Mike and Dorian?

From the first time that they were communicating.

MR. : Okay.
I paid absolutely no attention, there was a ton of people there.
MR. : You didn't see them until they were actually, until the police car was actually beside them and they were communicating with the policeman?
Correct. I'll stick with that because I might have seen them, I just didn't, it's not dawned, I can't say for sure or anything, you know, I didn't give them any of my attention.
MS. : How long were you there before you saw that?
It was like instantly.
MS. So you didn't notice when you were driving in, you didn't notice anything?
No. I didn't pay, I mean, I was staring so much at the building addresses and where there were the most people that I could get out and ask for directions.
MS. : So if you saw anybody close to the road, you would have stopped and get out of the car.
: I would have stopped and get out of the car so I could have a cigarette, and

actually get step by step instructions. I'm not good on directions. So I couldn't get ahold of anybody, I didn't have of my cell phone on me at the time so.

MS. : Okay. So you see, you are at the part where you see some sort of interaction between the police officer and Michael Brown, because your statement is based upon what you, yourself, saw. You could tell there was some sort of interaction, correct?

: Correct. I didn't realize that the officer was even an officer. When I first pulled in, or whatever, he was coming this way, I guess, and I never even acknowledged that he was an officer when I pulled in.

MS. : What sort of vehicle was he in?

Looks like one of those like van or SUV type.

MS. Okay.

Big vehicles.

MS. : Was it marked?

: Yes, it had police and then underneath it said Ferguson.

MS. : So then what about when you say you didn't realize he was an officer?

: I wasn't paying any attention. I was so focused on staring at the building numbers that when I pulled in, or whatever, and I passed and there was a lot of people standing right here, I just pulled in right away. It wasn't until I got out and walked this way, or whatever, that I realized that, you know, that it was even an officer. I was going to wait and just get directions from the guy because the officer was already busy.

MS. : Okay. My next question was, did you consider getting directions from the officer.

: I didn't, no, because he was already occupied.

MS. : Okay.

: And he looked very occupied.

MS. : All right. So after you see this interaction between Michael Brown and the officer, then what's the next thing you see?

: After the first altercation?

MS. : We are just talking about step by step.

: Okay.

MS. You're getting out of your car,

you see him before you spoke to the man about directions; is that right?

: Correct.

MS. : And then what?

: And then the officer goes up, you know, like he's going to drive away, he doesn't really go too far, just a few rolls of the tire, or whatever. And then he comes back, or whatever, you know, comes and backs up. And Dorian and Michael Brown, Brown walked up to the car and words were exchanged and then Brown entered into the vehicle from the waist up.

MS. : Let me ask you when you say words were exchanged, what do you mean by that?

: The officer's mouth was moving. I have no idea what was said.

MS. I'm just asking why you chose that phrase.

Right.

MS. : You use that phrase exchange, the officer's mouth was moving, was there any --

: I did not hear Mike Brown.

MS. : Were you able to see Mike Brown's face at that point?

: No, he was facing, because I

was here on the sidewalk and the officer's car was kind of cockeyed or crooked, or whatever, and Brown was right at the window.

MS. : Your vantage point was of the driver's side?

: Correct.

MS. Based on what you are describing now. Okay. And so you see words were exchanged and then what happened?

: The officer had words.

MS. : Okay.

: I seen him talking, but I don't know what he had said. And then the next thing I know, Mike Brown was lunging into the car, like dived in and it was only from the waist up that he was in the car.

MS. : What was your reaction when you saw this?

: My honest reaction?

MS. : Yeah, absolutely.

I was cussing. At the time I was just like, I actually even said to the guy, is he F-ing crazy.

MS. : You can use the language, we have heard worse, we've said worse.

: I said, is he fucking crazy.
MS. : Okay.
: And then it just starts happening, I didn't say anything more than that. After the gun went off, I did say damn and then I said shit, and then I got really nervous.
MS. : I don't need a litany of curse words you used. I just kind of want to understand your reaction to what is going on. So you see, you said lunge in and from how far down his body?
: To about his belt, naval.
MS. : Okay. And that's when, and your reaction was one of, I guess, surprise, right?
: I had never seen anybody treat an officer like that way before.
MS. : What was Dorian doing at the time?
At that time he punched the car door shut because he punched it with his wrist and he punched it with his wrist, something gold fell off his hand out of his right wrist I think.
MS. Let me ask you this. At what point did the door open to get punched shut by Dorian?
When did it open?

MS. : Yeah.

: After I heard the gunshot.

MS. : Okay. So when you're saying, maybe I'm getting confused. When you are talking about Dorian punching the door shut, that's after the gunshot?

Before the gunshot.

MS. : Okay.

Once the gunshot went off, Dorian took off.

MS. Okay. Let's back up a little bit.

: I'm sorry.

MS. : No, no, no, don't apologize. When you see the officer saying some sort of words to Michael Brown, Michael Brown is by the door, was the door open or closed?

: At that time the door was shut.

MS. : Okay.

He attempted to open it, because it did open, it did unlatch.

MS. : He, meaning who?

: The officer unlatched the door.

MS. : How do you know it unlatched?
: It started to open, you could tell that it was definitely in the process of opening.
MS. : Okay. And then how did it close?
: With Michael Brown's hands.
MS. : You are showing --
: The base of his hands, he shoved it shut the first time, and then the second time he, I can't, I don't know. I don't know if it was his fist or with his gut.
MS. : You are saying the officer tried to open the door twice in a row?
: Correct.
MS. When did Dorian get involved with that?
: That was right after the second time he went up and punched the rear view mirror.
MS. : Punched, meaning what?
: With his wrist, with his right wrist.
MS. : So you are showing the side of his hand?

The side of his wrist.

MS. : The side of his wrist?

: In a fist motion.

MS. : Okay. And then what did you say about something gold?

: Something gold fell off Dorian Johnson's wrist, the skinnier one.

MS. : Okay.

: And it fell on the ground.

MS. : And after that happened, is that when --

: That's when the gun went off.

MS. : When did Brown lunge into the car.

: Okay. I'm sorry, you are making me nervous.

MS. : I don't want to make you nervous.

After the second time Brown shoved the door shut, the second time, I don't know if it was with his fist or with his, you know, with his gut. And Dorian Johnson was standing there at that time, he looked like he punched the rear view mirror, but he ended up knocking something off his

right wrist and it fell on the ground.

He went to bend down to pick it up and that's when Mike Brown jumped into the car head first, but only went up to his naval into the window.

MS. : Were you able to see what the officer was doing when Mike Brown did that, when he went through the window?

: He was getting punched.

MS. : How can you tell?

: Because Mike Brown's fist kept going up and down. You knew he was getting hit, even though he was all the way back.

MS. : When you say he was getting hit all way back, you talking about who?

: The officer was being shoved back.

MS. Okay.

As Brown was laying on top of him from the waist up and Brown's fist was going up and down on the side.

MS. : How were you able to see this if when I asked you before you said Brown's body, a lot of it was blocking the doorway of the car?

: He was in the car from here

up, bent over and the officer was laid back in the car and Dorian was almost completely on top of him.

MS. : Dorian was?

: No, the heavier set one. I'm going to stick with that if that's all right.

MS. : Whatever makes you feel -- I really don't know which one is which.

MS. : I want you to describe this to me in the way that is most comfortable for you. Okay. I don't want you to think we are trying to get any certain way out of you.

I need to go with the heavier set and the skinnier one.

MS. : Okay. I don't want you to be nervous at all. If at any time you don't want to talk to us, we are not forcing you to.

: Right.

MS. : I don't want you to feel uncomfortable or we're making you nervous, we just want to know what happened, okay?

Right.

MS. : And you tell us in the easiest way that you can, all right.

: All right.

MS. : If you want to use bigger one and little one, that's fine.

Okay.

MS. : The bigger one you said was in the window and the officer you said was leaning back?

Right. And there's about this much of a gap between Brown, the heavier set one's body and the thing of the car, the window.

MS. : So there is a gap --

There is just enough of a gap that you could see the heavier set one's fist going up and down into the officer's face.

MS. : Okay.

Or into the officer's body, put it that way because I didn't know where the officer was getting hit until after the officer got out.

MS. : All right. And so while this is going on, what's your reaction?

At this time I was really scared, but I was just kind of standing there, it almost seemed fake at some point or whatever, and now and then just disbelief.

MS. : Was the guy next to you, was he

saying anything to you?
At that time, no.
MS. : Were you standing next to him?
I was standing exactly next to him.
MS. : Do you know his name?
No.
MS. : Did you ask him his name?
I didn't really care about names at that point.
MS. : Okay. Did you know anything else about him other than?
Green T-shirt, heavy set, and braids.
MS. : Okay. Do you know, do you happen to know the address near where you were standing, did you look at the numbers?
No, but when you pull into, down there and as soon as you go around the bend and you start to see the buildings, it is the very first building on the right.
MS. : Okay. All right. So let's go back. You see the bigger one, these punching motions and then what's the next thing that happened?

: That's when I heard the gun go off.

MS. : Okay.

And Dorian Johnson, the skinnier one, took off towards the street that QT is on.

MS. : Okay.

Heavier set one took off in the opposite direction down towards into the complex.

MS. : Okay.

And then the officer opened the door, and he had his left hand on the left side of his face and the gun was in his right hand, and he was wobbling from foot to foot and he looked confused, you know. He was kind of stumbling, or whatever, like he wasn't with it, does that make sense?

MS. : You're fine.

: He obviously had just got hit.

MS. : You said obviously got hit based on what?

: The way he was acting, it just looked like he was dizzy.

MS. : Okay. When you say his left hand, was it above his ears on his face?

: Get out of the car, right hand was on the gun, so yeah.

MS. : Where was his hand, on his face?

: Now, you got me confused. I want to say the left side of his face, but now you got me confused.

MS. : I don't want to confuse you.

It was like right up here. (indicating)

MS. : You showing his entire palm.

: Yeah, he just had it up to his head.

MS. : Up to his head?

Yeah.

MS. Was his palm from his mouth all the way up.

Correct.

MS. : From what I can flap his head from what you remember.

From what I remember.

MS. : Okay. And then what happened?

: And then he wobbled from

foot to foot, I don't know what he said. I remember hearing or I'll shoot, but that's all I remember hearing. And then that's when the heavier set one turned around and faced him. And they were still that distance away.

MS. : Had the officer, when the heavy set one turned around, had the officer run or pulled forward in his car or was he still by his war.

: He was still by his car. He didn't go towards, Dorian, I didn't see him head that way towards the heavier set one until after the heaver set one turned around and proceeded, you know, started to come this way.

MS. : Okay. So describe when the heavier set one turned around, describe what he was doing?

He turned around and he put his hands out like this. (indicating)

MS. : That's, now, your hands are here, your hands are kind of out at your sides.

It was like a football thing.

MS. : Okay.

: They weren't like this. (indicating)

MS. Your hands are clenched?
Right.
MS. : Out, but not up, is that fair to say?
Correct.
MS. : They are out, but a little bit higher than waist high?
: Correct.
MS. : And did he put his hands out like that before or after he turned around?
: After he turned around.
MS. : What were his hands doing? That's the easier way around it.
He looked like he was having an attitude, he looked like my .
MS. : How so?
: What are you going to do.
MS. : That expression or that motion he as he turn around.
: Correct.
MS. : What was your vantage point, was your vantage point on him when he turned around, was he facing you?
: At this time, yeah, when he turned around, he was facing the officer, which

would have been facing this way. I was more in the middle of the building and he was more at the entrance of the parking lot.

MS. : When he turned around to get a view of Michael Brown's front.

Correct. Left side, partial front like, you know, like the side view.

MS. : Okay. As he was running away, do you remember what he was doing with his hands?

: Just running, I mean it was.

MS. : You just demonstrated a running.

Just running, yeah.

MS. : And his arms are pumping back and forth?

: He pulled his pants up once, I know that.

MS. : Did his pants appear to be falling to you?

Yes.

MS. : How so, can you describe that?

He was half mast.

MS. Meaning what?

: His rear end was hanging out.

MS. : Okay.
: He pulled them up twice cause when he first got out of the car, when the altercation stopped at the vehicle before he took off running, he pulled them up as well.
MS. : Okay. Then he pulled them up again as he running away?
And then he pulled them up again as he was running down the street and then he turned around and then after that he never pulled them up again.
MS. : You said his hands were in like a running position?
: Correct.
MS. : So then what happened?
After he turned around, he was like that and then --
MS. : When you say like that, that's the what you are going to do about it look?
What are you going to do about it look.
MR. : When you do that, you've got your hand and fists and are leaning forward.
He started with the attitude and then he immediately went down into like that

football with the fist.

MS. : Okay. So what are you going to do attitude his palms are open?

: Correct.

MS. : And then you said he shifted into this like fist, like --

Well, because at this time the officer actually had the gun pointed right at him. I mean, it was obvious that he was getting ready to do something.

MS. : Who was getting ready to?

The officer. I mean, when the hand was on the gun, the hand was on the trigger, he was ready to go.

MS. : Okay.

And he was focused. He no longer had that confused just got smacked look, I mean, he was determined to, you know, not --

MS. : So when this is all happening, you are watching it. So the officer is in one position and Michael Brown, the big one, is in another position. Where are you, who are you looking as you are describing what Brown is doing --

When Brown turned around with the, what are you are going to do about it, or

whatever. And then I looked at the officer who had his gun, and by this time he come to the back of the SUV. I did not see him go there, when I turned back to him he was already there.

And I looked back at the heavier set one, and he had, by this time bent down in the football position and had his fist made and he began to charge at the officer.

MS. Okay.

: More of a head type first thing.

MS. : Can you describe anything about the heavier set guy, what he looked like, what his facial expression was?

: At that time he just looked like he was on something.

MS. : What makes you say that?

The officer just started shooting him and he didn't do anything. He didn't flinch, he didn't wiggle anyway and he just didn't stop, he just kept going.

MS. : Okay.

And that is when I said to the guy in the green shirt, I said, oh, my gosh, is he ever go to F, you know, quit.

MS. : What did you say?

: I said, is he ever going to fucking stop.

MS. : What did the man in the green shirt say to you?

: If he said anything, I don't know. I mean, it was more of just talking his direction.

MS. : Okay.

: I mean, he just kept going. And then the gun stopped and he was still alive and if he would have just laid down, and then there was like --

MS. : What?

A lot of blood.

MS. : Okay. So let's go back. The guy starts charging at the officer and when did the officer start firing the gun?

: After he turned around and started charging after him.

MS. : Do you remember, did the officer give any commands or say anything?

He did say something, but I don't know what.

MS. : How about the big guy, the

heavy set guy?

: The heavier guy sounded like he was grunting.

MS. : Okay.

Now, whether he was talking and I wasn't understanding him, I don't know. To me it sounded like grunts.

MS. Were there any pauses in the shots?

Yes.

MS. : What sorts of pauses?

I don't remember the sequence, but I know that there was at least what seemed like a lifetime, but it was probably just a few seconds between up until the last two shots I mean, the shots kind of went boom, boom, four almost right in a row it seemed like, but then there was just enough of a pause and it was just, he wouldn't stop.

MS. : What was he doing?

He was still going after him, he was still charging, he was bent down more.

MS. : And we're talking about the heavy set guy?

Correct.

MS. And what was the officer doing while the heavy set guy is charging at him?

At that time he was, he was standing completely still and he was in focus mode.

MS. : At any point did the officer either come forward or come back?

He actually came back it looked like, about two steps, there right before the last two shots. It looked like he went back a couple steps and then up one step and then it was just boom, boom.

MS. : Tell me about the last shot?

That last shot, I didn't like the last shot.

MS. : Okay. What about it?

Too much blood. And then he went down and he went down face first and I just wanted to leave, so I left.

MS. : Okay. Did you the guy go down right away after the last shot?

: After the last shot, it was like two shots, the first one he started to go down and the second shot he was down.

MS. : Do you see where either one of those shots hit?

The final shot, you know, I didn't actually see where it hit, I just seen all the stuff that come out.

MS. : Come out of where?

His head.

MS. Did you notice any other injuries?

I'm not saying there wasn't, I can honestly say --

MS. : Okay.

I didn't pay any attention if there was.

MS. : I understand you wanted to get out of there, but you were at this point still standing on the sidewalk, correct?

Correct.

MS. : So what did you do, did you turn to the guy in the green shirt and say anything?

No, I just left, but I was stuck in that parking lot.

MS. : Did you go right back to your car.

: No, I went directly back to my car. Not the spots that were up against the building, but the spots that were facing that way.

MS. : Okay.

I know you are probably turned around. When you come down you have the first building here, you miss that first parking lot and you have that second entrance. When you pull in to the right and I parked facing into the neighborhood.

MS. : Okay. Did you ever see that other kid, again?

He went down towards the street that QT is on.

MS. : West Florissant.

Yeah, I don't know the street name.

MS. The street that you came from?

: Correct. He took off his shirt and he stripped down to a, my calls them wife beaters. I don't know, the tank tops.

MS. : Did you see him actually?

: Yeah, he took that off right away.

MS. : When did he, I know you said he ran away, when did he reappear, when did you see him again?

: He reappeared real close to that guy in the green as I was leaving the parking lot because when I was in the parking lot, I backed up this way with my rear end towards the heavier set body and I started to go this way, and he was like right there at that time, he had just reappeared.

MS. : So how much time had passed from the time of the final shot and to the time that you saw this kid reappear?

: 15 seconds, 30 seconds. I guess. I don't know. It is in 20, 30 feet for me to get over to my car.

MS. : Okay. Did you notice him changing his shirt?

He had taken his shirt off and he had drawn it over his left shoulder.

MS. : You are positive it was him or someone that looked like him?

No, I was positive.

MS. : And then what you are saying.

: Correct.

MS. : At any point did you see any other police officers around?

There were two officers that arrived, but I won't want to swear to when they

arrived. I remember two showing up, I remember one having his gun drawn, but not firing his gun but I don't remember because I don't remember when they showed up.

MS. : What about the officer that fired the shot, after he fired that last shot, what did he do?

He looked like he was going to throw up. He didn't look good. I mean, he just didn't look, um, I don't know.

MS. : Not how he looked, like what did he do, what were his actions?

: What was his actions?

MS. : He just fired the last shot and what did he do?

I don't know, I was leaving.

MS. : He fired the last shot, you saw the big guy fall to the ground.

Correct.

MS. And then what do you remember about the officer?

Nothing really. I mean, he just kind of, I mean, the shot went in and I left. I didn't focus on anything or anybody any more after that.

MS. : Okay. So you left, you went back to the QT and asked for directions, correct?

: But I had to go through the neighborhood.

MS. : When you asked for directions, what did you ask for directions to?

To nearest highway, I wanted any highway.

MS. : Okay.

And the guy told me to make a right here and just go till you get to 270.

MS. : And why didn't continue to go to your friend's.

I just wanted to go home. I didn't want anything to do with anybody.

MS. : Okay.

I get on 270 and actually went the wrong way and again, and then got off and went back the other way.

MS. : When you got home, what did you do?

When I got home, what did I do. I locked myself in my house for like two weeks.

MS. : Why?

: Don't want to go outside.

MS. : Why?
: Just, that was just a lot of stuff.
MS. : Can you explain to us what you mean?
There's just a lot of blood.
MS. : A lot on the roadway that day?
Uh-huh. There was just, this was just a lot.
MS. : I know, I don't know whether I'm asking you a hard question or I'm asking a question that should be obvious, explain to us what you mean. You said you have kids, right?
: We have , but I only have that still live in my home.
MS. : Okay. So when you say you locked yourself in your house for two weeks, did you literally not go out for two weeks?
No, I didn't leave my complex for two weeks. I didn't have any communication with anybody or go out. I took my kids to and from school and took them to their activities right there in
MS. : Did anybody in your family or anybody that you know that you talked to anyone

about what you saw?

: I talked to my ex-husband, but he swears up and down he doesn't remember the conversation. So I don't know. But my ex-husband is heavily medicated, so I can fully understand him not.

MS. : Heavily medicated with what?

: He's and he's on like three or four different medications.

MS. : Okay. When did you tell him what happened?

: Almost immediately after because I gave him step by step instructions on how to get there and everything that happened.

MS. What do you mean?

: I told him everything. And the first thing he said was, you know, better not tell nobody.

MS. : Why not?

Because he doesn't want anybody to cause any problems for the .

MS. : Why did you think your would have problems?

By this time, I mean, this was because that happened Saturday, this would have

been Sunday, and by this time you already had death threats on whoever did it, I guess, is what he says. I don't know, we don't have cable.

MS. You don't have cable, but do you have the internet?

: Yes.

MS. : Do you look at the news at all?

: I did for about the first week and then it drove me nuts and that's all there is.

MS. : Did you consider reporting what you saw to either St. Louis County or the FBI, it took you a while to come forward?

It's been a long time. I didn't consider it, not really at first.

MS. : Why?

: Because I didn't want anything to do with it. In my opinion, and this is just my opinion, I felt like the officer does his job and it just kept going on, and on and on and on, and it was like.

MS. : Yeah, well, I guess this is my question. You said you were (inaudible) you know where the attention was?

That is where I learned the

name and which one was which.

MS. : So not only was there a lot of attention nationally and all of that, there was actually riots going on and not far away from where you live, right?

: Yeah, I -- I knew, I heard about them.

MS. : My next question is right when you came in earlier, you know, from your dad to come in and do the right thing and that's why --

There is a difference.

MS. : All right. So explain it to us.

You do what's right and that's what ultimately made me come in. But at the time I just, I mean, at the time I just didn't want to be in the middle of it. I still don't want to be in the middle of it.

MS. : I don't think nobody ever does no matter what the investigation, right, whether it gets media attention or not. But so -- so giving what you're saying where your dad, you know, tells you and all of that and doing the right thing, but you're saying it never even dawned on you to come in and report it?

I didn't say it didn't dawn on me, I mean, yeah, because it's, you don't get into the middle of an officer and his job. Do you know what I mean? Does that make sense?

MS. : I understand what you are saying, but yet --

: That's what finally broke me was the fact that it just kept going and going and going. Every time you logged onto Facebook or any of the news websites, that's all there was. Nothing existed but Ferguson.

MS. : Okay. What prompted you to call St. Louis, that's what you did, right, you called St. Louis County too, right?

Correct.

MS. : So what prompted you to call them?

I actually called a few times before that and then I guess I made a comment that went too far.

MS. : What sort of comment?

I have no idea. I called Clayton and made the comments, you know, about the situation.

MS. : Like what, like what sorts of

comments? You don't have to tell me like word for word.

: Just that the officer had done his job and that, you know, he had been hit. I don't know word for word, because this is back in August.

MS. So you called Clayton, you called Clayton where?

: From my cell phone.

MS. Okay. Did you call the police department?

Clayton nonemergency police department.

MS. : Okay. You did this how soon after the shooting?

: Probably within the first day or two, well, Tuesday, so one, two, I believe the first three or four days.

MS. : This is why I'm confused. Because first you are saying you didn't really consider reporting it, but yet you were calling information out and then commenting. So tell me what's going on --

But when I commented, I did not give them my name. I did not want anything to

do with it, it is a different type of violence, it is a different type of people.

MS. : What do you mean?

The situation is scarry.

MS. : We are not judging you at all, we just need to know.

It is not the environment that I grew up in.

MS. : What do you mean by that?

: It is just not the environment I grew up in. I grew up, you know, from the day I got at five. I grew up right there by and that's where I spent my whole childhood,

It was just different, you know.

I remember the day I got stopped for jaywalking when I was 13 and the officer threatened to turn me over my knee and take a belt to my rear end, and that was just the way times were back then. And we didn't dare tell them no, it was yes, sir, or we caught it, you know, we got it. If we got in trouble outside the house, we got in trouble inside the house for disrespecting our elders or something else.

So to me up there it is just not --

MS. You don't think there is any repercussions for their actions, for anyone's actions.

: What do you mean?

MS. : Well, you said an officer stopped you for jaywalking and if you did something wrong, you respected it. But if you got in trouble there, you are getting in trouble at home.

Right.

MS. : And you're saying that's different because people in North County don't have responsibilities for their actions?

: It is not so much North County as it is the times.

MS. For anyone?

The situation that I had witnessed is not the same as what it was, is not the environment that I live in.

MS. So you didn't want to tell us --

: I didn't want anything to do with it, I still don't. I know it doesn't make any sense. I want to tell you because it is the right thing to do. I don't because I don't want to get in the middle of it.

MS. : And you're not alone, that's a common feeling, like I said, for anybody that ever witness's something. You have to spend the time talking to police officers as well as prosecutors.

You guys are nice, but you make me nervous.

MS. : I'm glad we are nice. Why do we make your nervous?

Police make me nervous, and you are higher than the police, that makes me a little extra nervous.

MS. : We are trying to find out what your motivation might be. As prosecutors, especially, we have to try to figure out what kind of case we have, if we can put a case together. When we speak to witnesses, everybody has a reason why they say something whether they're telling the truth or they have other motivation behind it.

So when we have somebody who is telling us what you are, takes you five weeks to come forward, we just want to understand what was going through yon in those five weeks. That means you ultimately say I am going to tell you who I am.

Honestly, this may sound corny, but I did a lot of praying.

MS. : Okay. Tell us about that. That's different from what you are saying now to us, I didn't think about it, if you were praying about it, you were thinking about it.

: I did do a lot of praying, especially at night. And I had been staying up till 3, 4, or 5 in the morning. And then I wouldn't be able to get up in the morning.

MS. What would you dream about, what was your issue?

: Just going over what I had seen step by step every night and just asking, you know, I did go in and tell them this or I could go in and tell them that, and not really have to get involved.

And then the next day I would pray and I would go like, I can't do that. Cause if I go in there and tell them what I seen, you're going to want to know everything.

MS. : So what were you concerned about telling us?

Just, you know, I don't want to tell you any of it.

MS. : Okay.

: I mean, it was just praying

do I tell them that I seen it, or did a friend see it, or I don't know, I kept going back and forth. But when I pray, I'm not one of these, my ex-husband is Catholic. I'm not one of those, you know, the rosary and the cross and the holy water. You know, I lay in bed at night and stare at the ceiling and just talk.

MS. : Okay. What ultimately made you decide it was actually time to come forward?

Just seeing my dad. Not seeing him physically, I mean, he's deceased.

MS. : Okay.

Just remembering that he, you know, you do what, you do respect. That's it, end of the line. You can screw up in life, we're human, but you are to respect the law, you respect your elders, you were always to speak the truth and if you know something, then you are to come forward.

And it is not tattling, it's, you know.

: Did you say at the beginning you talked to after this?

Correct.

: What did you tell her?

I told her I got lost up in the Ferguson area and that's all I said. She never

really asked and we agreed that we would get back together, but we never have, but she --

: Does she know at all about this, about the shooting?

: I didn't tell anybody except for my ex-husband.

: Why did you tell him?

I had already told my ex-husband and he told me not to tell anybody and then I never told anybody after that. I mean, I live right next door to several county officers and I never told them either so.

: And , she went to high school with you?

: Correct. Not the earlier grades, it is whenever, I think they call them whenever they bring, you have no idea. So it would have been like 83, '84 when they started

: Okay. This is at

Correct, that's where we met.

: is that

correct?

Correct.

: Was she the same year as you in school?

Yes, but I had been held back a year, so technically she would have been a year younger. The way my birthday fell, I should have graduated when I was 17, but because I was held back in the first grade, I became 18.

: Okay. You mention you have her number at home?

Correct.

: You have her email address also?

At home, yes.

: You said you sent her an email also after that?

Yes.

: Did you say anything in the email about this?

I emailed her the day I got lost. I got lost and I will get in touch with her in a few days.

: Do you still have that email, do you know?

Sure, I mean, somebody could get it off of my computer.

: Just like go into your sent items or whatever?

No, everything is gone as far as that goes.

: Why is that?

I mean deleted.

: Okay.

I don't do the fancy stuff like wipe hard drives or anything.

: It might still be on there somewhere?

Right.

: You think after we leave here today, we're probably going to take a break here and talk a little bit before we finish up, but after we leave here today, do you think you could get us her email address and phone number?

Uh-huh, yes.

: Okay. You guys want to take a break?

: Give us a minute. We are going to leave the recording on, if that's okay, I am going to check.

: That way we don't have to start it over and all that.

: Okay.

(Break in the interview.)

MS. ALIZADEH: At this point they take a break for a few minutes. It is 12:06. said your lunch was supposed to be here at noon. She's not here, so I think she might have gone to go get it. Do you want to fast forward past the break and keep listening until she gets here or you want to go to the bathroom and kind of --

How much time is left?

MS. WHIRLEY: We got through 55 minutes.

MS. ALIZADEH: About another 40 minutes.

MS. WHIRLEY: Do you know where to pick up at?

(Continue recorded interview of)

When I get nervous I have a tendency of cracking my knuckles, so I apologize in advance. You are going to hear a lot of that later on.

: So we just have some more questions to just help us understand some stuff.

Okay.

: So can you describe again how you left the complex after the shooting?

: Yeah. When I left, I went first, second entrance, I went from here and went over this way. I don't know, I'd have to look at a map because I don't remember, you know, zigzag because I popped out in the third parking lot is how I popped out.

: You said something about a circle that you went around?

: Right, well, I went to the right and then I know I went to the left, and then I went down a bunch of different streets and I ended up on the street that went like this.

: Okay, a circle.

But you can drive around it and if I remember correctly, it was a parking lot, like you can park, but you drive around it. And then there's some buildings right here and I turned that way and then I made a left and that street dropped me off on the side of QT.

: Here is the problem that we have.

That's what I remember.

: You are saying you came into

the apartment complex from the direction that QT WAS in, right?

Right.

: And you pulled out of the lot and then you saw all of this?

Well, I couldn't, I'm sorry, what?

: And you saw all of this that we've talked about, right. You go back to your car and then when you went to leave there, did you turn the opposite way of the way you came in or did you go back the way you came in?

I couldn't go the way I came in.

: Why is that?

: It was blocked.

From the police incident, the shooting incident?

Right. Here is the building and the entrance and another, you know, you had the parking lot here and here, or whatever, and building right here. And the officer's car was here and the heavier set Brown was like here, there was no getting in and out of this parking lot.

: Okay. So where you were in

the parking lot was past where the body was and where the police car was, so you had to go the opposite direction of the way you came in?

Right, I had to go out, I popped out over here in this third parking lot.

: Uh-huh.

Or whatever..

: Okay.

Well, you couldn't go in or out. You couldn't go back the way that you came into the apartment complex; is that right?

I couldn't go back to the street QT was on, no.

Okay, that's what I'm asking. So you couldn't go back the way that you came. So you went the opposite direction --

: I went into the --

: You went further into the complex?

Correct.

And then back there you were able to find a way out onto the street where QT is.

Right, correct.

: And that was around a circle drive?

I remember the circle drive. I don't know all the different streets I took. Because I zigzagged through there for about 15 or 20 minutes going up and down streets. I remember a couple that dead end into parking lots and you go down it and just dead end into a building, and then I would turn around and go back.

You never came back there, I'm sorry.

MS. : I'm sorry, you said dead end into a building, what kind of building?

Apartment building. If you go down and you make --

MS. How many story apartment?

I don't even know. I just turned around.

MS. : It was at least two or three stories?

I just turned around. I went down to that stop and I made a left and then I know I made the first left and that's where I couldn't go. Because I had to turn around and I went back and I went, I don't know where I went.

MS. : Was it all Canfield Apartments, they all look pretty similar?

At that point, yeah, they all look the same to me. I don't know, I just wanted out of there. But I didn't go back to the street that QT is on the same way I went. I ended up way over here.

MS. : I just want to explain to you a little bit, you understand that part of what we do here is we have to evaluate, you know, basically every statement a witness gives us, correct?

: Correct.

MS. So part of us doing that is just why we are going through that with you is just saying, okay, you were here and turned around and we know you were here.

Because sometimes people will say how does she know what happened she actually was never there, she doesn't live in the area. What we are trying to establish right now is that you, in fact, were there, okay?

Okay.

MS. : That's just why we are asking.

Okay. I can't give you step by step instructions.

MS. : That's not what we are

asking.

I just know for a fact that it wasn't the same way I came in.

: Our job as prosecutors, you know, we're trying to decide, you know, we're among the people who would decide whether this case is charged or whether it is not or whether it would go to trial or not, okay?

: Okay.

So we have to evaluate witness as we sit here.

: She's making me nervous like I told her the wrong way.

: Oh, no.

I only know I went that way.

: We're not worried about the details when you turn left or right whatever.

: Okay.

: There are a few things that do concern us some, okay, and just to be upfront with you.

Okay.

: We want to let you know that basically what you are telling us is that you went further down into the apartment complex and you were

able to get out that way without going back the way you came?

Correct.

: There is no way out that way, that's the thing. We've got investigators who have been up there plenty and know all of those streets and --

Yeah, there is because when you go around that thing, there is buildings and buildings and you go right through that parking lot.

: Uh-huh.

And it pops out on a street that goes along the QT.

MS. : Right now, here is kind of a map of the area. I think that's the circle you are talking about, here is Canfield Drive, here is the way -- you can't get, there is a blockade here and there is a blockade there. The only way to get out once you go down this street is to go all the way down here.

And it has been that way a long time, long before August 9th and it is that way today. You cannot get out through that circle.

Okay. Well, I came out right there because QT is right there.

MS. Right, correct, but you cannot get there from these two streets, it is impossible.

And there is around the corner I went somewhere because --

MS. The street, the QT goes here and you cannot get to those streets. There are blockades, because we've had investigators try to get out on Canfield and you just can't.

I don't know, I know for a fact I popped out on the side of QT.

MS. : Okay.

I can't change that because that's where I popped out at. How I got there, I don't know, but that is how I came out.

MS. You have a tremendous level of detail in some respects, but then very little detail in very simple things that I'm not quite understanding.

I don't know the area. I apologize if I'm screwing it up, I just remember I came out alongside QT.

MS. Right.

I know I didn't go the same way that I did. Did I zigzag and end up how I got

there, I really don't know.

: That's just an example, I mean, there are a few other things.

I could go back up there, not that I want to, but I could.

: Let me ask you this, we talked about your computer and your emails earlier. You think after you leave here you can get us email address and phone number?

Yes, sir.

: Would she tell us that you were coming to see her that day?

Um, I don't know what she would tell you, but she definitely tell you that I had, we were going to, oh, yeah, okay.

Did she know to expect you that day if we asked her to come in and we said to her, were you expecting your friend to come visit you on August 9th?

I don't know.

: What would she say?

She knows I was on my way.

: What were the two of you going to do that day?

She has a the same

age as my and we really want the two kids to meet, but I wanted to get to see her, I haven't seen her since 1988.

Why do you hesitate about what she'd answer, what would you expect to say?

Were you expecting? I don't know if she'll remember if she was actually, because it was nothing, we had her address, I told her I was going to try to stop by. You know, did she really expect me at a given time on that day? I don't know. But she will be able to tell you that she knew that I was headed that way that day after the fact, does that make sense?

: She knew you were on your way?

I don't know what she knows.

: So you didn't make a plan --

It wasn't an actual, I will be here at 2:00 p.m., I will be here at 1:00 p.m.

: Had you emailed her beforehand to say I might stop by?

Yes.

: So that email should be on your computer too?

Yes, ma'am.

: Would you give us permission to

look on your computer?

Yes.

: What if we looked at your search history, were you doing a lot of reading about the case and looking at articles about it?

I was for about a week or whatever trying to find out as much information as I could as far as, you know, where was it going.

: What about like in the last few days or in the week or so?

It would have been just this past week.

: Did you read about it in just this past week?

As far as like what, are you asking if I what?

: Did you do internet searches about the Ferguson shooting, about Dorian Johnson, about Michael Brown?

I did maybe one or two searches about Dorian Johnson, that's the skinnier one.

: Uh-huh.

(Stopping the audio recording.)

MS. ALIZADEH: This is Kathi Alizadeh. It

is 12:18 on October 23rd. We are going to go ahead and break for lunch because your lunch is here. We still have a good 20 some minutes maybe to finish this statement. So rather than let you get hungry, we are going to feed you. And go ahead enjoy your lunch and let us know when you are ready to resume and we will finish the playing of the statement and then we'll have testify, all right.

(Lunch recess taken)

MS. WHIRLEY: We're resuming at approximately 1:18 p.m. October 23rd, 2014. We're resuming the statement of . We stopped at 11237. And then it kind of skipped a little bit. I'm at 11241. I'm going to try to get back a couple seconds and see if that will be easy. Sometimes not too easy. It is 11229 is as close as I can get.

(Resuming of the playing of the audio recording of after lunch recess.)

: I believe maybe one or two searches about Dorian Johnson, that's the skinnier one. And then when you do a search for any of that, the easiest way to do is just type in Mike Brown because everything comes up then.

MS. : You think you have done it in

the last few days?

Yes.

MS. : You did some searching before you talked to the County detectives?

Um, yeah, yes, I'm sorry.

MS. : Do you remember a specific articles that you read?

No, I don't do well reading and this is why I told, that's why I was held back and that's why I told the officer that I didn't think I was the best witness.

MS. : All right. Can I ask you something about that?

Because of the reading.

MS. : What do you mean about the reading, why you wouldn't be the best witness?

Reading is not the easiest thing.

MS. : Okay.

I mean, it's, it does not. And then when I start to read the words get jumbled and I get bored.

MS. : Okay.

: I don't know if that's or what, but I become frustrated with it and I just

won't read it. I'll skip and I'll get hit and miss stuff, and then I will just say forget it and I'll X it out.

MS. : What about, do you take any sort of like, is there any reason that medication would affect your ability to remember things or recall things or receive things?

I went to through the

MS. : Okay. You said somebody was born in ?

MS. : You said

?

It was a head-on collision.

MS. : Did you have a traumatic injury from that?

MS. :

I had and then the short term memory still is affected, and then the word thought process, like what's in my brain doesn't come out of my mouth properly.

MS. : Can you tell me about the short term memory, what kinds of stuff do you forget?

I get lost really easy.

MS. : Okay.

For a while it was really bad. Like I would go for a walk, I grew up in at the time of the accident. And I took a two block walk to and got lost and didn't know how to get home.

MS. : How does that affect your memory on a day-to-day basis?

On a day-to-day basis, I will never remember your name, numbers are ridiculous. I will never remember numbers. Unless I deal with something day-to-day or it's a traumatic experience, 99 percent of the time I will forget.

MS. : Okay. And so is it possible

that there were things you forgot from this that you want to refresh your memory by looking at things to make sure that your memory stayed intact for that?

You want me to look at things?

MS. : No, I want to know was your memory, does your memory problems affect --

My memory was affected by where I was standing because I remember standing in front of a building, with the parking lot and a parking lot and a fire hydrant across the street. But I kept, I remember being on the officer's driver's side. But I could not remember, you know, which parking lot or which way I went to get back to QT.

MS. : Do you take medication?

Not any more. I used to have to take

MS. : Do you take any sort of medication now that would affect your ability to remember things or --

No, no, I'm not on any medication, no.

MS. : Okay. One of the questions I have was the guy that you spoke to that you were

going to ask directions for, what did you say he was wearing?

Heavy set, green shirt with braids.

MS. : Okay. So you know before had mentioned there were things we were having trouble kind of putting the pieces together and in your previous statement when you spoke to the guy you described this guy as wearing a, the same color wife beater shirt.

That's what Dorian Johnson had on.

MS. : Okay. You also said that the guy that you were talking to was wearing that wife beater shirt.

Okay. I don't, I know he had a green shirt and he was heavy set.

MS. : Okay.

I might have talked to somebody else.

: The searches online that you may have seen, does this look familiar to you at all? Would you have seen that if you were searching, does that look familiar to you?

Yes.

: Okay.
Because I was trying to figure out if that was the gold thing that I had seen.
: Okay.
: That's what I asked you before, right, that's what I was wondering if you used -- if you looked or used the article.
I'm sorry.
MS. Did you look online to remember things?
Yes, yes, ma'am because I remember the gold thing and the officer's car. I remember it coming off, a gold thing coming off Dorian's right wrist and, yeah, I remember looking at this.
: Okay. So what did you search to get to that article?
I have no idea, Mike Brown, Mike Brown shooting or Mike Brown shooting in Ferguson.
I think I searched the name Darren Wilson a couple of times because I was trying really hard to figure out how
You know,

but other than that, I've never searched.

: Did you say earlier the friend that you were going to go by her house, you

: Is that when you ?

: Okay, all right.

: How did you guys get in contact initially?

Facebook.

: Okay.

She's on my friends list.

: Okay. So you know what, (inaudible) you give us to look at?

: Facebook, oh, yes, ma'am.

: Okay. That's just an article we're showing you.

: Can we take one more quick break, I don't want to take up a lot of your time. If we just pause for a minute, we'll be right back, okay.

Okay.

(The interview takes a break at this point.)

(Resuming of the audio interview of)

: , we're going to wrap things up here in just a minute, thanks for your time.

Okay.

: you know what, we have been through your account, obviously, especially the news article we just showed you. You know what, here is the thing, I know there's so much been going in the community around here and people that just want to help in either way. And so I just need to ask, what you told us sounds a lot like what we have read in the newspaper.

I haven't read any of that, I swear to God on a stack of Bibles, I looked at pictures to try to figure out which way I left the neighborhood and where I was parked.

: We know that you looked at that article that we just showed you because we just showed --

I looked at the picture, I swear, I swear I did not read any articles.

: We know that you read articles, and that's fine.

Well, no, like this, I know, yes, I looked at that, I looked at that multiple times because I was trying to figure out if that's the gold thing that I seen.

: What we are trying to determine here, and you're not in any kind of trouble.

I swear I have not --

: That's fine. You are not in any kind of trouble. What we need to be able to do out of fairness to you and out of all of the witnesses to this, okay, is just to be able to tell you is what you are telling us doesn't add up in with some ways, okay.

Okay.

: And that's our concern. Listen, I know this has been all over the media, it's been all over the internet. And you talked before about how you did go back, and you know, it is human nature to want to go back and look at what's going on about this thing, okay.

Right.

: Our concern is that maybe

you were very much sort of emersed in going through this on the internet, or whatever. And you're hear and you think you are trying to help, but maybe that you didn't see everything that you said that you saw, okay.

And it is important for us to be able to determine who is telling us exactly what they say and who might have just seen some things and sort of put those together.

I'm not 100 percent sure where I was parked.

: That's fine, we're not concerned about where you were parked.

Refresh my memory on where I was parked and the MapQuest that you showed me, when you do get down and get close, I used that to help me figure out how I got out of there.

: Right, that's our concern is because on a map it looks like you could get out the way that you've described.

I don't know how I got out.

: Yeah, I understand that. Those are details, okay. The point is are you 100 percent sure that you were up there that day. That's our big question, okay. If you're not sure

about that, we just need to know that, all right?

I was there that day, I just don't remember how I got in and how I got out. I don't remember, you know, I didn't hear words that were said or anything like that. I remember, can I look at this?

MS. : Yeah, go ahead.

I remember looking at this because I was trying to figure out if that was the gold thing, what it was. And then I remember watching that a half dozen times.

: Did you comment on this article, did you send any comments?

: When this first happened, I made comments for the first few weeks. Some were really obnoxious, some were pretty vulgar and then I realized that that is not the Christian thing to do.

You talking about actually typing comments?

On Facebook.

: On Facebook, okay.

: What sort of comments did you make?

I used the N word a few times, a half a dozen times. I used the F word a

few times. I was not, I was having a hard time dealing with what I did see and trying to remember things that I knew I seen, but I couldn't remember.

: That's what we're worried about. It is understandable you said you have memory problems, if you are trying to fill in the gaps by using the internet and reading things, is that possible.

That is possible. I know what I seen though, I know that I seen the altercation in the car and I know I seen the shot that killed him.

: But a lot of what you told us today you've actually had to fill in the blanks because your memory problems by looking at the internet.

As far as where I park and I how I got in and out, yes. And where I was standing, I remember being in front of that building and the only thing I remember is there was a fire hydrant right across the street, that I do remember.

MS. Did you notice any other cars in the area, any other people standing around?

When I left over here, when I was over here, there was a really nice yellow car,

really nice.

MS. It the parking lot or in the street?

Half and half. It was like it had pulled in this way, because I couldn't get out that way at first.

MS. Out of the third parking lot?

Correct.

MS. I'm talking about in the area, a lots of people were in that area and you said you saw lots of people around, but other than that guy you were standing right next to as you are watching this scene unfold, did you see cars on either side of the street because it is noon, there's going to be cars there that want to come through.

There was that and then over here there was a white car, I think it was a two-door and then there was that really nice yellow car. I remember thinking it was really sweet.

MS. Right behind the white car, two-door car.

: No, I remember the yellow car being in the third parking lot. Like it just had pulled in.

MS. So the white two-door car, was that really close to where?

There was another car there too because that entrance was blocked, I could not go out right away.

MS. : The third entrance?

Correct. The white car with the two door --

: this is something else I want to ask you about. These pictures here, neither of those are your car, right?

No, I remember being it like white.

: I'm talking about your car, would that be your car?

Oh, my car. What kind of car is that?

: What kind of car is yours?.

: That's like a small sort of station wagon?

Yeah says it's a station wagon.

: Okay. But neither of these is your car; is that right?

: No, sir. Doesn't look like it, I don't have tinted windows.

: Okay. And these are two different cars here.

: I thought you were asking me what it looked like the car that I seen.

: Yeah, no, I'm talking about your car. Neither of these pictures is your car; is that right?

No, sir. My car that was I in was there.

: It is actually out there today, right?

Yes.

: It's a --

:

It is a

And that's the thing is, we, you know, were aware of your previous statement and the investigators went back and pulled pictures of any cars that would have been going down the street when all of this happened that day. There doesn't appear to be any car that matches the description of your car. That was another concern

that we had as it appears that this car was not there at the time that this happened.

Okay, well, I was there.

: How do you explain that?

I don't know how I got in and out. I don't know what cameras took pictures.

: Okay. Is it fair to say at least that at least some of your account you have had to go back and find that information on the internet in order to fill in the blanks; is that right?

Yes, sir, because like here I was trying to figure out if that was the gold thing I seen. This one I remember looking at because I was trying to figure out which hand it was because I knew it was the hand that had nothing on it.

: Okay. But some of the details in your account you have had to go back on the internet to get those details?

Not what I seen, just details as far as the way cars were positioned, yes, and where I was located and how I got in and out of the parking lot.

: Some of the other things

that you talked about, the bracelet and those things?

Well, the bracelet I remember. That I know that he had on and I watched that come off and I don't know if that's it or not, but that's what I was looking for, yes. I was trying to figure out where (inaudible) and so forth. I couldn't remember if it was the right or the left. I couldn't remember actually where it landed, but I do remember it fell off his wrist cause I remember him trying to pick it up.

I remember looking at this, I'm sorry, because I was trying to figure out what parking lot I was in.

: Okay. You are talking about a picture that's in the article that we showed you?

In this one?

: Yeah.

Is that the same article? I was more into the pictures.

: Okay.

Because I was trying to figure out, you know, because there's the first building parking lot, parking lot and there is a way to get over to this third parking lot.

: All right.
So I don't know, I mean, I don't know how I got out. I mean, I could have ended up going in circles and I could have ended up going over here, I don't know.
MS. : Just kind of go onto after it happened, you were making some comments, you were really angry. You said you used the N word, what kind of comments would you make when you used it?
Word for word?
MS. Uh-huh.
They need to kill the fucking niggers. It is like an ape fest, and then, it just, it is just not right. It is just not right. So I put my, focused my energy into with a couple of Wilson supporters and we made
and we have been collecting donations and we have schools making homemade Christmas cards.
: You are doing what you can to help Darren Wilson?
Right, I quit posting on any, you know.
MS. Okay. But when you did post, can you give me that user name you used? Did you

just use your ?
Yeah, I don't Twitter, I don't know how.
MS. Okay.
I think I have Twittered three times in my entire life.
MS. : And is your name on , is it?

MS. :
Yeah, my is the blue, .
MS. The : . I have no idea what my banner is.
MS. : You said EIN number, what is that?
MS. : Social Security account number for a business.
Right, you can apply through the IRS and make it nonprofit. If you are going to buy and sell and do things, then you need something called a C-3.
MS. You got all of that?

I don't need a C-3 they said because we're not doing that, all we're doing is straight up collecting donations for, like we have is making homemade Christmas cards.

MS. : Okay.

is decorating homemade Christmas box.

MS. How many people are in this organization that you formed?

Three. There is myself, and she is in my cell phone, and then another girl that keeps saying she wants to be in it. I have a ton of emails with her, but her husband won't let her. Her name is

MS. : what?

I don't know.

MS. : Do you have position in this organization, there is two of you?

Two of us are the

MS. : Okay.

And the EIN number things is in my name.

MS. : What's the name?

The page?

MS. : Yeah.

and then it is nonprofit, and we label that it is nonprofit.

MS. : You just started this after the shooting?

Correct.

MS. : How long after the shooting did you start it?

I don't know when the was created in August. I don't know when the page itself was created. I believe the was created in August, or whatever. And then it got changed to

MS. : Okay.

Actually, only been doing with that name for what, a few weeks now.

: Basically, you are doing what you can to kind of help Darren Wilson with all of these efforts, is that fair?

I think a lot of the is kind of selfish. It was more for myself being, because I do support law enforcement and I felt bad with what I had .

I can't --

: In coming in here and talking to us, are you trying to help Darren Wilson by talking to us here today?

I don't know if that helps him or not.

: Okay. You mention before that your husband,

is that right?

Uh-huh.

: Have you had any kind of similar issues at all?

I was diagnosed as when I was 15.

: Okay.

I'm not medicated for that. That is one of the things that they say later on in life they said

Which also interferes with my ability to focus on reading and so forth.

But as I got older and worked my way through therapy.

: Okay. Listen, it was good to meet you today and thank you for your time.

I'm sorry if I wasted --

: No, you didn't --

I know what I seen, I know you don't believe me. As far as being out there, I know I probably searched too much to try to refresh my memory.

: It is not a matter of believing you, it is difficult when you say to us that you are posting things online that people might consider racist.

It is racist and that's why I turned to the other thing.

: So you are posting racist things online and you are telling us, you know, and you are telling us, you know, your account and then there are videos that doesn't show your car. And then there is a map that shows you couldn't left the way you left from.

I don't know how I left.

: But, obviously, we find out what people's motivations are when you say you posted things online that are racist and you come in here and tell us an account that supports Darren

Wilson. We're not saying --

Well, it is not for Darren Wilson, it is all first responders. Because we do fire department, we do EMS, or whatever, and local law enforcement. We do not focus, we do not post on Darren Wilson.

: You raised money for Darren Wilson.

No, we're doing it for the local law enforcement that have been dealing with the riots, not Wilson himself.

: All right. But as you said in your first statement, I mean, you may not be the best witness because of your memory problems and the other issues that you have.

Right, oh, I know that.

: Okay.

And in part why I didn't come forward.

: Okay. I know you said that you think we don't believe you, but do you think overall we treated you fairly here today?

Oh, I do yes, ma'am. I have no problems with, you all make me nervous as heck.

: Okay.

I have no problems with law enforcement, even the officer that was forced to arrest me when I grabbed the wrong checkbook.

: Okay. Did we force you to say anything you didn't want to say?

No, ma'am.

MS. : Okay. I'm going to end the recording. The time 3:52 p.m.

MS. WHIRLEY: So that ends the recording of It is approximately 1:43 p.m. October 23rd, 2014. Let me go get that witness.

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Could you please introduce yourself to the grand jurors?

A My name is

Q And do you go by

A Yes.

Q How old are you,

A

Q And whereabouts do you live?

A

Q Did you grow up in St. Louis?

A Since the age of five, yes.

Q Okay. And I'm going to stand back here. That's because the microphone that's there is not going to amplify your voice. If I can't hear you, then I know they can't hear you. So make sure you keep your voice up loud enough all the way back here, okay?

A Okay.

Q Now, you know why you are here today, correct?

A Correct.

Q And you and I had a brief discussion, well, earlier today and just now before you came in, right?

A Yes.

Q And you had originally made a statement with St. Louis County Police Department detectives; is that right?

A Yes.

Q That was when, do you recall?

A No, ma'am.

Q If I said September 11th, does that sound about right?

A I have no idea.

Q Okay. And then just yesterday you met with some FBI agents and assistant U.S. attorney and an attorney from the Department of Justice and you talked to them a little over an hour and a half; is that about right?

A Yes, that's correct.

Q Okay. Now, when you and I met prior to your testimony, I told you how this was going to work in here. That you are going to be under oath and I'm going to ask you questions and Sheila may ask you questions, Miss Whirley, the attorney there you had already met, and then the grand jurors get to ask you questions, okay?

A Okay.

Q Did I stress outside to you how important it is that you tell the truth?

A Yes.

Q And did I tell you that if you lie under oath, if you intentionally lie under oath to this grand jury, did I tell you what the consequences would be?

A Yes.

Q I told you that that's a crime and considered perjury?

A Yes.

Q Do you intend to tell the truth to the grand jury today?

A Yes.

Q All right. So, why don't you start out by telling the grand jurors back on August 9th of this year, were you still at that time living in

A Yes.

Q And when we say I assume we are all thinking

A I guess.

Q It is not ?

A Oh, no.

Q County?

A Yes.

Q The

A Yes.

Q All right. Was there anything special about that day, that morning, did you have any particular plan or was there something going on?

A I went to go and I wanted to meet up with an old friend of mine from high school.

Q And what's the name of this friend?

A Her name is

Q And how long have you known all through high school or just at the end of high school?

A We met in our freshman year of high school.

Q Were you friends in high school?

A Yes.

Q Did you maintain your friendship after high school?

A Not really. We went our separate ways until we reconnected .

Q How long ago was it that you reconnected with ?

A Well, I got my in 2010, so it would have been shortly thereafter.

Q So you've been communicating with for about four years?

A Here and there, not on a good friend type basis, no. I mean, , quick messages, you know, she sent me some pictures of her daughter.

Q All right. And did tell you where she lives?

A She lives in .

Q In is the City of St. Louis County?

A It's in , yes.

Q Okay. So what made you decide to visit on the 9th?

A We had talked about getting together and we kept postponing it and I decided I was going to go meet up with her because I wanted to see her and spend time with her before we let our children meet. She has a the same age as my .

Q And what age is that?

A

Q And so why is it that you needed to meet up with her before you would let her meet your , I mean, they're old?

A I hadn't seen actually hadn't face-to-face seen her since .

Q And so was there some concern that maybe you didn't want your to be socializing with ?

A No, I'm just cautious over where my kids go and there are other friends that I have from high school that have drug addiction problems and so forth. I just make sure that before I let my kids go anywhere, I go first.

Q Did you think that had a drug addiction?

A No, no, but it's just the way I am. I have to go and I have to see the house, I have to visit and make sure that it is where I want to leave my child for a play date or whatever.

Q So did you ever consider inviting to come down to your house? I mean, your house, you would know your house is a safe environment, right?

A The last time I had spoken, actually spoken to her, she did not have a vehicle.

Q All right. So did you then have your with you on that Saturday when you were going to go visit

A No.

Q And so how is it that you and had arranged for this get-together on Saturday?

A I had told her I was going to pop in on Saturday and she said that was fine.

Q And was there any other detail about this, like you get there around noon or it would be in the afternoon or?

A We were going to have lunch together.

Q Were you, did you go someplace for lunch or have lunch at her place?

A Have lunch at her place, I guess, but it was never discussed.

Q All right. Now, is married?

A No.

Q Does she have other children besides her old?

A Not that I know of, not that I've ever heard, no.

Q So what is her old name?

A

Q

A Yes.

Q And do you know where she goes to school?

A No.

Q What does do?

A I have no idea.

Q Is she employed?

A I have no idea. We haven't been that close since . We were really close through high school and then we went, like I said, we went our separate ways, other than a quick chat here and quit chat there.

Q You've seen her , I guess, correct?

A Correct.
Q Does she post things about herself on her ?
A Here and there and her .
Q So you have seen, does she say anything where she's employed, how you can fill out your bio on your
A I have no idea. I've never looked at the about part of it.
Q What about a telephone conversation, have you had a telephone conversation with
A Just one, two.
Q When did that happen?
A One happened towards the end of July and then again August 10th.
Q What was the reason for those conversations?
A The first one was I was going to come up and just pop in, we could have lunch and I got lost as all get out and I didn't make it.
Q So the one in July was in order to plan for this, was it a vague plan that you made on the phone conversation in July, or did you say on Saturday the 9th I may pop in?
A I just said around on that weekend I was

going to try to pop in, would she be around. And she said, yes. Because that was a scheduled weekend for my kids to go with their dad.

Q So driving from all the way up north, I mean, that's not right around the corner, obviously?

A Right.

Q Did you call her before you left to make sure it was still on or that she was going to be home?

A No.

Q What about, when you guys made this plan, did she give you directions on how to get to your house?

A I Googled it to a point and then got basic directions. But I misunderstood the directions and I misunderstood where she lived, so I had it all wrong.

Q Had you used Google Maps before?

A I have.

Q You know when you put in an address of where you're starting, an address of where you're stopping, of where you're going to, it gives you not only a step-by-step, turn-by-turn direction, but it always gives you a map that shows you where you are

going, right?

A Correct, but I had put in the wrong address.

Q How is it, did you have the wrong address?

A Yes.

Q Did give you the wrong address?

A No, I wrote it down wrong. It is something I do.

Q So do you recall what the address was that you had written down?

A The one I had written down at home I think was , but I'm not 100 percent sure.

Q So you put that address in Google, did you print out directions or get directions?

A I got directions. No, I did not print it out.

Q Why not?

A Because I don't have a printer.

Q Now, we've already heard that said that you have problems with your memory, did you write down the directions?

A I wrote down basic directions, not the entire length, no.

Q Now, we know that you didn't get to your friend that day, correct?

A Correct.
Q And you didn't have a cell phone with you when you drove up there, right?
A Correct.
Q So how is it that you know that you have the wrong address for
A How do I know I had the wrong one?
Q Yeah, you just said that you put the address in but it was the wrong address.
A Because I never found it. And when I got up there I was told that they didn't know what I was talking about or that address wasn't around that area.
Q So you assume that meant you wrote it down wrong?
A Correct. It's common for me.
Q So did you have a cell phone at this point?
A I had an inexpensive phone that I had given my old that was using.
Q So you set out on your own by yourself?
A Yes.
Q Drove up to North County?
A Yes.
Q From your home ?

A Yes.

Q Did you tell anybody that you were going up there like, you know, your other children, a friend or neighbor, hey, I'm going to go up to visit my friend in this afternoon?

A I don't know that I told them I was going to , I said I was going to visit a friend.

Q Who did you tell that to?

A Everybody, that lives upstairs and a woman named that lives in the complex.

Q So weren't you at all concerned, well, let me ask you this, are you familiar with North County?

A No.

Q Do you know the streets and the places up in North County?

A I know basic directions, but no, not really.

Q So were you at all concerned that you were going up to North County and to a place that you were really not familiar with to visit a woman you haven't seen in, I don't know, since ?

A I know it sounds silly, but no, I do it all the time.

Q And so when you got up there, when is it that you first realized that you didn't know where

you were going?
A I don't remember the name of the street. I think it was Florissant Road, I had gotten off the highway and I had gone all the way down that street.
Q So which highway did you get off of?
A I guess it is still called 270 up there. I get on at and follow it up.
Q Do you remember what exit you got off at?
A No.
Q The name of the street?
A No.
Q So when is it that you realized that you didn't know where you were, right when you got off the exit?
A About a block after the exit I decided I better stop and ask for directions.
Q So did you?
A I went down a ways and asked for directions at QT.
Q About how far did you go down West Florissant before you stopped at the QuikTrip?
A I don't know because I went right a couple times and then popped back out onto that other road. So I don't know how far down it was.
Q So you stopped at QuikTrip and you talked

to somebody that worked there?

A I talked to a gentleman that was pumping gas. When you pull into the QT, when you make a left into the parking lot, the guy was just right there.

Q So just some stranger that you approached and said, what did you ask him?

A I asked him if he knew where, well, then I asked him if he knew where that address was, which I believe is , but I'm not sure.

Q And what was his response?

A He asked to see the address. I showed it to him. He said, are you sure, he asked if I was sure that that was where I was trying to go. He said he hadn't heard of it. And I asked him, told him I had done a couple of turns and asked him which way 270 was.

Q So after you left there, did you go back to 270?

A No, instead of making a right out of the gas station I made a left.

Q Was that an error?

A Yes.

Q So you asked this guy for directions and you decide to go back to 270, but right out of

QuikTrip you take a left?

A Yes, that's my short term memory problems, yes.

Q So then where did you go after you turned left off of, onto West Florissant from the QuikTrip?

A Another immediate left.

Q All right. Where did you go after that?

A That's when I ended up in there.

Q When you turn, when you pulled out of the QuikTrip, did you pull directly onto West Florissant?

A It is not that side street, I turned onto the busy road. I guess that was West Florissant. I don't know the street names.

Q All right. And then you found yourself, you turn left and you were, where were you when you turned left, why is it that you turn left?

A Because I had felt like I went the wrong way.

Q Okay. So you were going to turn around?

A Yes.

Q So what street did you turn onto, was it the street that led you into the complex?

A Yes.

Q So when you first turn onto that street,

when you are on West Florissant when you turned onto that street, did you turn right or left?

A Left.

Q All right. And so when you then, as soon as you turn onto Canfield Drive off of West Florissant, is that where the apartments are?

A No, I went down past a few streets first.

Q Are there apartment buildings or businesses or restaurants or do you recall?

A I don't remember. I just remember I went down and went past a couple of streets on, I believe it was the right-hand side.

Q Why would you go past those streets, why wouldn't you turn around, you turned onto Canfield so that you could turn around and go back to 270, didn't you?

A Yes.

Q You didn't turn around when you had an opportunity to turn around?

A I don't -- yes, correct. I don't make U turns in the middle of the street and I don't pull into people's driveways. When I realized the apartments were there, originally, I thought I was just going to turn around in the parking lot and decided to ask for directions again.

Q So the map that is right here to your right is Grand Jury Exhibit Number 25. Do you recognize this map, the streets, the buildings, does that look familiar?

A I recognize the buildings, yes.

Q Okay. Do you see this street that kind of snakes across the whole map, you see that is Canfield Drive?

A Correct.

Q To reference and orient you, West Florissant is over here. (indicating)

A Okay.

Q And that's to the left side of the map and back here is --

A The complex.

Q Well, you are driving further east at that point, okay?

A Right.

Q So is it this street that you came onto into the complex?

A Yes.

Q Can you use that laser pointer and tell me how far you got before you stopped your car?

A Before I stopped it?

Q Where did you go?

A I parked right there. Right where that car is. (indicating)

Q Okay. So you drove east on Canfield, did you turn right then on Caddiefield Road?

A Yes.

Q You put the laser pointer right here? (indicating)

A Right, I pulled into that one. There was a lot of vehicles, there was vehicles there that didn't look like, you know, they were busy and the parking lot was full, so came down to this one.

Q So you took the second right?

A Correct.

Q Once you were in the complex?

A That's what I believe, yes. I was lost by then and that's where I believe I was, yes.

Q All right. And so when you first pull into the complex, you know, I know that you said that you first saw a police vehicle and there was some boys?

A Correct. Well, I had already gotten out of my car.

Q All right. So when you pulled in here and turned right, I have to go like this, right turn onto Caddiefield, at that point you hadn't seen the

police vehicle or the boys?

A I don't know if the boys were there or not, I wasn't paying any attention. I was paying attention to just parking and I had not seen the officer.

Q As you drove down this way, if there was a couple of guys walking in the middle of the street you would have noticed them, wouldn't you?

A No.

Q In the middle of the street?

A People do that all the time everywhere. You just watch out for them, you don't hit them and you don't pay attention to who they are.

Q So if there were people walking in the middle of the street, you wouldn't have paid attention to it?

A I would have paid attention, you know, making sure I didn't hit them. I would not have paid attention to who they were.

Q Do you remember if there people, boys walking in the middle of the street?

A There were people walking in the middle of the street down here and then there was people walking in the middle of the street up here. I don't remember if there was some right there or not.

Q Okay. The people that were walking in the middle of street up here. (indicating)
A Yes, they were young.
Q What does that mean?
A They looked young, under 18. And I won't ask an under 18-year-old for directions, I won't roll up on a child.
Q Were they boys, girls, ten of them, two of them?
A Just two boys.
Q Two boys?
A They were just walking.
Q Which direction?
A Towards that way. (indicating)
Q They were walking west?
A Correct.
Q Toward West Florissant?
A Yes.
Q Were they in the street or on the sidewalk?
A They were in the middle of the street at that time.
Q Okay.
A But when I came down around the corner they stepped off to the side.

Q Those two boys that you saw, were those the two boys that you later describe at the police vehicle?

A I don't know. They looked young to me, I don't know.

Q You don't think it was the same?

A They looked like teenagers. I don't know, I can't say if it was or if it wasn't. I just remember there were two boys there at that time.

Q So you drove, continue to drive and turn right onto Caddiefield Road, you said you saw some people walking in the street around this area, which would be somewhere between Coppercreek Court and Canfield Court?

A Correct.

Q Were they boys, girls, how old, how many?

A Two or three. I don't remember, I didn't really pay much attention and they look like girls.

Q All right. So what did you do after you turned onto Caddiefield Road, did you park in a parking spot or did you stop your vehicle?

A I parked in the parking spot right there.

Q Okay. Show me again?

A In these parking lot spots.

Q Okay. So right around here? (indicating)

A Yes.
Q So somewhat on the southeast side of Caddiefield Road?
A Correct.
Q And then you say you got out of your car?
A Correct, because there was a whole lot of people right there and I walked up to the one.
Q Why did you get out of your car?
A Main reason was to ask for directions and then I decided to have a cigarette, so I got out.
Q At this point you know you're lost, you know you turned off of West Florissant and drove straight down Canfield Drive.
A Correct.
Q You are trying to find 270, right?
A Correct.
Q Why would you just not turn around here and then go back up to West Florissant?
A My memory on my directions does not work like other people.
Q Well, you knew your friend was expecting you?
A Right.
Q You were going to have lunch with her. You had no way to call her and say, hey, I'm going

to be late because I'm stopped, I'm lost, and I'm stopping to have a cigarette, but you just decided to get out of your car and stop, ask directions and have a cigarette?

A I stop to ask for directions and I went ahead and lit a cigarette, yes. At that time on that day I did not smoke in my vehicle.

Q Who did you ask for directions?

A I asked a gentleman that was standing under the tree.

Q I'm guessing you didn't know him, you haven't seen him before?

A No, ma'am.

Q Was it a black man, a white man, Hispanic?

A African -- black man, African-American.

Q Teenager, older than me?

A I remember him being older.

Q Okay. What did you ask him?

A I asked him if he knew how to get to the nearest highway. I figure if I can get to any highway, I'd be fine.

Q What did he tell you?

A He started to give me directions, but he was looking in the direction of that way as he was talking, so I did not hear him. And that is when

all of that other stuff --

Q Have you lit your cigarette at this point?

A Yes, I have.

Q So you're standing there, he's giving you directions, but he's not talking directly at you so you can't hear what he's saying?

A Right, right, I could not get step-by-step instructions when he was looking the other way.

Q Did you have a piece of paper and something to write with?

A No.

Q You were just going to try to remember what he was going to tell you knowing that you have a problem with directions and short term memory?

A Yes.

Q So what happened then when you were standing there talking to this man?

A That's when the officer drove up, which I'm not 100 percent sure, I want to say he was like approximately right there when I seen him and he was talking to the two boys. His mouth was moving and I don't know what he said. Then he started to pull forward and when he was about here, he started to back up.

Q So you're standing about somewhere in this

area under a tree?

A Correct, like right there. (indicating)

Q Right at 2960; is that right?

A Okay, yes.

Q Does that say 2960, hang on?

A I can't --

Q Hold, please, yes 2960.

A Okay.

Q So it was right in front of here?

A Correct.

Q And so where did the police officer come from?

A From this way. (indicating)

Q And what was he driving?

A It is a big vehicle. I didn't know what kind of vehicle it was at the time. It is a marked police car.

Q Is it a sedan, is it a van, is it a pickup truck?

A I know now it is an SUV, at the time to me it was just a bigger vehicle.

Q Okay. So when he drove up, where does he stop the vehicle?

A I don't remember the first time. The first time he just drove up and like around this

area and said something to the boys and then drove on.

Q So where were these boys he stopped and talked to?

A In the middle of the street.

Q Where did they come from?

A I was talking to that other guy, I have no idea.

Q It wasn't these kids?

A It wasn't those because I believed that they were female.

Q It probably wasn't these guys since these guys, they were walking that direction?

A I don't know.

Q So you don't know where those boys came from?

A No, ma'am.

Q So when the officer pulled up on them, were they on the side of his vehicle?

A I don't remember the first time, the second time they were, they were on the driver's side when he backed up. I didn't pay much attention to anything until the second time around.

Q What do you mean the second time around?

A When the officer put the car in reverse.

Q So the officer stopped, talked to the boys.

A He said something, I don't know what he said.

Q Did the boys look like they were talking too or did they just keep walking?

A It wasn't paying any attention to them. He rolled up on them, he slowed down or stopped, I don't know.

Q And then what happened?

A His mouth moved and then he started to pull forward and didn't go forward very far and then he put it in reverse and came back.

Q All right. When he put it in reverse and came back, did he do that quickly, slowly, leisurely, did he spin his tires, did you hear the screech of tires when he backed up?

A I don't remember. I just know I was talking to that guy. I looked, the officer was talking to him. I looked back to the guy and then something caught my attention and I looked back over there and he was coming in reverse.

Q So when he reversed, were the boys still in the street?

A When I looked over there, when he came in

reverse, it was like his car was like that and they were at his driver's side.

Q So did they stop or were they still walking when he backed up on them?

A When I looked back over there they were stopped.

Q And how was the officer's car parked, I mean not parked, I know it wasn't parked. How was it when it came to stop?

A Like not straight on the street, like he was backing into on the curb.

Q So whereabout was the vehicle when it came to a stop?

A I'm not 100 percent sure, but around this area right here. (indicating)

Q So if the vehicle had been traveling that direction.

A Correct.

Q When it came to a stop.

A It was pointed --

Q I want you to use this. Come up here and show me, I know this is way bigger than the vehicle, but if the vehicle is traveling like this when it came to a stop, how was it?

A Just like that. Like it was backing up to

the curb slightly with the head of the car going that way.

Q Was the front of the car still in the correct lane, the right side lane?

A I don't remember, I believe so.

Q What about the rear of the vehicle, was it in the other lane at this point?

A I don't remember. I know it was like he was backing up to the curb area.

Q So do you recall what, tell the jurors what happened then, after he backed up and the boys were at the side of the car?

A He said something, I don't know what he said and then the next thing I remember the heavier set one was in the window from his naval up.

Q His naval being his belly button?

A His belly button.

Q So his upper body was inside the police vehicle?

A Correct.

Q Do you see inside the police vehicle?

A No.

Q Before he, before the bigger guy put his upper body in the police vehicle, could you see inside the police vehicle?

A Before?
Q Yes.
A Just the side view of the back, side view of the officer.
Q Was it a man or a woman?
A It was a male.
Q White or black or Hispanic or something else?
A White.
Q Uniform?
A Yes.
Q What color?
A Blue.
Q Did he have a tie on his uniform?
A I don't remember.
Q How about long sleeves or short sleeves?
A Don't remember. All I seen were the shoulders.
Q Well, at some point you see him get out of the car, right?
A Yes. I don't, I didn't look into the detail of what they were wearing.
Q How about the officer, was he wearing a hat, like his policeman's hat or a baseball cap?
A No. The other guy was wearing a baseball

cap.

Q Which other guy?

A The heavier set African-American.

Q What color was it?

A Red.

Q What color were his shorts?

A Khaki.

Q How about his shirt?

A I don't remember, I think it was white, but I'm not 100 percent sure.

Q How about the officer, what color were -- did he have shorts or long pants on?

A The officer? I don't know, I wasn't focusing on him, I was focusing on the heavier set African-American because of what he was doing.

Q How about were his pants darker than his shirt, same color?

A Who?

Q Lighter than his shirt?

A I don't remember.

Q So after you saw him back up, you saw the bigger guy put his upper body inside the vehicle, what did you see happening then?

A I just seen his right hand moving up and down.

Q Whose right hand?

A The larger, the African-American, larger one.

Q Could you tell what it was doing?

A No.

Q What about the other boy, what was he wearing, what did he look like?

A At that time he had a black T-shirt on and he had, his hair was braided.

Q Braided?

A I believe, I mean.

Q What about, what was he wearing?

A I don't know what color shorts he had on.

Q But you remember shorts?

A No, I mean, I don't remember from the waist down, I don't remember the bottoms, I only remember the dark shirt.

Q So what was the smaller kid doing?

A When he first went in, when the officer tried to open the door, the heavier set one pushed it shut with his hand open. The second time I don't know if he punched it with his hands or with his stomach. And then by the time he punched it shut the second time, the skinnier one punched the rear view mirror or the mirror that's on the side of his

car with his wrist.

Q So the skinnier one was up by that side mirror, are you talking about the side mirror?

A Yes, right outside the door.

Q Did it break the mirror?

A Something fell off his wrist and I believe that the mirror broke, yes, but I can't remember now at this point 100 percent sure.

Q Did you see glass on the ground?

A No, I seen something gold fall off his wrist.

Q Off of the skinnier guy's wrist?

A Correct.

Q And you remember it being gold?

A Correct.

Q And then what happened then?

A He went to bend down to pick it up and that's when I heard the gunshot.

Q The skinnier guy went to pick it up?

A He went to pick up whatever fell.

Q The gold thing?

A Yes.

Q Did he pick it up?

A No, I don't think so. I don't remember if he did or not. I just remember he went down too as

he's picking it up.

Q So were there other cars at this point behind the officer's car or in front of the officer's car, you remember seeing other cars?

A I only remember seeing, really focusing on two other cars. There were other cars there yes, there were other people there yes, but the two that caught my attention was a white two-door that was catty-corner that was across like approximately right there, in this stretch. And then there was a -- at that time that was the only car I seen. And then after it was all over I seen a really nice yellow car, like a sports car.

Q That yellow car had nothing to do with what's going on?

A No, those are the only two vehicles that really, and the white one caught my attention because it was in my eyesight the other one was because of the type of car it was.

Q What about any vehicles in front of the police officer's car, did you see a blue truck?

A (Shakes head.)

Q Minivan?

A (Shakes head.)

Q Don't remember?

A Don't remember.

Q So what happened then if you get to the point where after the gunshot went off, you said you heard a gunshot?

A Correct.

Q What happens then?

A The skinnier one took off running in that direction.

Q Toward West Florissant?

A Yes. And then the other one, he stood up and pulled his shorts up and ran this way. (indicating)

Q So he ran right past you?

A Correct.

Q Was he running in the middle of the street, on the sidewalk, on the grass?

A He wasn't in the sidewalk or the grass, but he wasn't really in the middle of street. He was like coming, you know, he ended up in the middle of the street, but he started over here and went this way. (indicating)

Q When you first heard that gunshot ring out, did you recognize it as a gunshot?

A No, I had never heard a gun before other than on TV. Common sense told me it was.

Q So after you saw the bigger guy running away from the police vehicle, what did the officer do?

A He got out of his car and he had his left hand on his face and the gun in his right hand and when he stood up, he was wobbling from his left foot to his right foot. He said something, I don't know what he said. All I remember hearing is the word shoot. I didn't hear any other words before that. And he had his hand on his gun and he was pointing it right at the larger of the African-Americans. And after he said the word shoot, that's when the young man turned around.

Q The young man, the bigger guy?

A Yes.

Q And when he turned around, did he have his hands up?

A When he first turned around, he turned around with his hands swinging and they were more down like this with his palms open in the form of an attitude that you get from a teenager. Like, you know, what are you going to do about it. (indicating)

Q Okay. When he swung around then he, point with the laser pointer where he was when he turned

around?

A Approximately like right there. (indicating)

Q So, again, that's like right in front of you?

A Correct. I've more over here though, but yes.

Q Did you see any bullet injuries on him at that point, blood on his shirt?

A I was not looking.

MS. WHIRLEY: Excuse me, 2:30.

MS. ALIZADEH: You all want to ask questions now and then if we can't finish today, we'll see if she can come back on another day, is that all right?

I'm going to let them ask you some questions, see if we can finish up today.

Anybody have any questions?

So we heard your recorded statement earlier, okay.

: Yes, ma'am.

In that recorded statement you admitted to posting that stuff that was racist.

Yes, ma'am.

Were you posting racist stuff before this incident?

: No, ma'am.

So you have never made any kind of racist remarks?

No, I've never posted on Facebook any racial remark.

But you have made racist remarks?

: Yes, ma'am. I don't like to be considered racist. I try very hard. And I know for a fact my children are not, but does it sound with my language and my behavior that I am racist? Yes, ma'am, but it's not something I approve of, if that makes sense.

: Honestly, no, but that's okay. You were going to see an African-American friend, you said was a very good friend?

: Correct.

The weeks following this incident, you didn't call her until the next day, but in your recorded statement you said that you called her that day to tell her that wouldn't be coming by. So which was it, you call her that day or the following day?

: Now that I don't know, I'd have to have my phone records checked.

Okay. You said that you have some short term memory problems?

: Yes, ma'am.

In that you turned left instead of right, did you get confused? Do you get your left and your right confused because of your short term memory problems or you not remembering which way he told you to go?

: I wasn't remembering which way he told me to go.

Okay. In the FBI statement you said you saw an apartment complex, you turned into the apartment complex because you thought maybe this was where you miraculously found out where your friend lived; is that right?

No, I turned into, I turned left on that into there.

: Okay.

When I seen the apartments, they looked like the apartments that my friend had posted.

Okay. Because today you said you turned into the apartment complex to turn

around to get to 270. Did you think they were your friend's apartments or were you intending to turn around?

: When I went in here, I was attempting to go in there and turn around.

Okay.

And then I seen the apartments and I thought that they looked like my friend's apartment, but I still needed to ask for directions.

Okay. I think we established earlier that you passed up several streets where you could have turned around?

Correct. I passed up two that I remember.

You're lost.

Yes.

You admit you get confused?

Yes.

You said you venture out all the time not knowing where you're going?

Correct.

I'm just confused and I find it hard to believe that you didn't take your

first opportunity to turn around. Can you help me understand why that is?

Because I don't make U turns in the middle of the street and I don't pull into people's driveway.

Right, you said that, but you said there were several streets that you passed up. Could you not have turned around in some other streets?

I only remember two.

: Okay. Two instead of three?

Right. I only remember the two streets and then when I come around the corner, I was looking for a parking lot.

I do have other questions, but I'll ask one more. You said you could not see inside the car very well?

Correct.

But then you said you could see the heavy set man's hands moving up and down and you could tell he was punching him, and this is according to what you said here and your recorded statement. right?

Yes, ma'am.

So even though you can see in the car?

: I could not see the officer, no, because the larger of the two, the heavier set one was blocking the view of the officer.

Okay. So how do you know he's being punched?

The hand was going up and down.

Okay. Going up and down help me or up and down like that. (indicating)

No, it was going up and down with his fist clenched or with his, you know.

MS. ALIZADEH: Let's do this, let's break. I'm sorry, we have to break at 2:30 today because of other obligations that the grand jurors have and I'm going to walk her out to a waiting room. Why don't you all discuss if you would like to have her come back on a day next week and we'll see about what we can do help get her back here. And then I'll come back, before I let her go you let me know if you want to have her return.

Can I ask one question or may I?

MS. ALIZADEH: Is it of them or me?

Just a general question, I guess.

MS. ALIZADEH: We can --

I guess for them too. On August 9th after this happened when I got home, I wrote everything down on a piece of paper, would that be easier if I brought that in?

MS. ALIZADEH: Sure.

Sure, why not.

Because that's how I make sure I don't get things confused because then it will be word for word.

MS. ALIZADEH: Sure. Okay.

(End of the Grand Jury Hearing Volume 15.)

State of Missouri
SS.
County of St. Louis

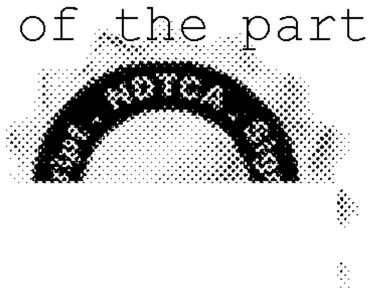
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Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.



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COURT MEMO

State of Missouri vs. Darren Wilson

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STATEMENT OF DEPOSITION CHARGES

DEPOSITION OF Grand Jury, Volume XV

10/23/2014
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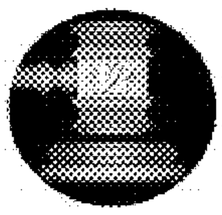
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Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume XVI

Date: October 27, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 27, 2014

VOLUME XVI

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 27th day of October, 2014, before .

APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

Assistant Prosecuting Attorneys for St. Louis County

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

(314) 615-2600

GRAND JURY HEARING VOLUME XVI

MS. ALIZADEH: Good morning. This is Kathi Alizadeh with the prosecutor's office. I believe it is October 27th; is that correct? And it is a little after it is 8:50 a.m. Sheila Whirley is here, but she just stepped out to get the first witness of the morning, who will be . And all 12 grand jurors are present, as the court reporter's also present and taking things down.

We just had a brief conversation before we got started about transcripts and listening to witness' statements, about best way to proceed with that. And during our lunch break today, I'm going to do everything I can to make sure I have transcripts for statements. Some of our statements do not have transcripts. We have played some statements that we didn't have transcripts for and we may now have those transcripts as they have all been kind of getting done along the way. So I will make sure that we have transcripts for all the statements that we have for every witness.

, of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q I'm Sheila Whirley views yourself to the grand jurors?

A My name is .

Q Spell your name?

A

Q All right, thank you.

So you know why we're here?

A I'm here because I've been subpoenaed to testify about, um, Michael Brown's incident that happened August the 8th, 2014.

Q It was a Saturday, so it would have been August 9th?

A Yeah, it was August the 9th.

Q Does that sound right?

A Yes, I forgot about, yes, it was August the 9th.

Q August 9th?
A Yes.
Q Do you remember that morning pretty well?
A Um, I remember some of it vaguely because I do have like hard time remembering some things. Some things I can remember.
Q Let me ask you a question though, when you say you have a hard time remember things, what do you mean?
A I mean that I can be talking about something for a minute and then all of the sudden if I'm sidetracked, I forget what I was talking about. If somebody says something, then they can bring my memory back.
Q Okay, all right.
A I'm just going to come out and tell what I know.
Q And that's all we want, tell us what you know.
A Okay. On that day I heard some shooting.
Q Well, let's start at the beginning. We want to know, do you recall what you did the first thing that morning?
A Yes, I got up, took my shower, cook me some breakfast, I had two eggs, three pieces of

bacon that was turkey, two pancakes, a glass of orange juice, milk and coffee.

Q Great memory. So you had that breakfast and then what did you do?

A I took my meds, I took my morning meds, I take meds for high blood pressure, my mood swings at night, I didn't take that one. I took my hormone medicine, I took my allergy medicine, Benadryl and Claritin. And I also took, I can't remember the name of it, but it is for when I be itching, it ain't Benadryl, it is the other medicine.

Q Okay.

A I take it because I itch a lot with dry skin.

Q Now, were you at home then, I'm assuming?

A Yes, I was home, yes. And after I did all of that, I was watching television in my living room, but I was watching some cartoons that come on Saturdays and then I heard some shooting.

Q Let me ask this question. Where do you live?

A I stay in .

Q Okay. And you see that pointer there, that's a laser pointer, there's a button?

A Let me get these eyes on.

Q I have my on standby.
A Okay.
Q There's a button that you push. I don't want to talk the same time you talk. I have to ask a question and be quiet and then you can answer.
A Okay. is here.
Q Now, did you live in on August the 9th of 2014?
A Yes.
Q You still live there?
A Yes.
Q Okay. So where were you inside --
A This is my address here
Q Okay. Where were you when you were watching TV?
A In my living room.
Q Does your living room have a window?
A Yes. No, I don't have a window here, I have patio doors.
Q Where does it face, what street does it face?
A It faces the street I stay on, Coppercreek Court.
Q So it faces this way? (indicating)
A Yes. Basically where you see the cars

right there.
Q Sort of west?
A Yes.
Q This is West Florissant over here?
A Yeah.
Q All right. This map looks familiar to you?
A No, I don't look at maps.
Q But you can tell that's where you live ?
A Yeah.
Q From this map?
A Right.
Q So you say you heard a shot?
A I heard shooting.
Q Shooting. About what time of day was it?
A Uh, it was around about like a quarter to 11:00, something like that.
Q You're not sure of the time?
A No, I really wasn't looking at the clock like that.
Q Okay.
A But I did come out of my door.
Q Describe to me what you meant by you heard shooting?

A Um, it sounded like fireworks, I say like that. Sounded like gunfire.

Q How many shots?

A At the time that I heard it, it was like four shots that I heard.

Q All right. So you heard four shots then what did you do?

A Then I, I came outside and I went next door, that's right here. that's where my godson stays.

Q Your godson?

A Yes.

Q Was he at home?

A Yes, he was at home.

Q Did he have to open the door for you?

A No.

Q Did he have a key?

A No, I was on the, okay, like you got certain levels of steps. So when I went up the step, it is like a little porch like before you get to the second level, and that's where I was at. He was coming out of his apartment, coming out where I was at. He came right there, I ran down to let me get this thing back on. I ran down from here, I ran down and I was like right here. (indicating)

Q Was anybody with you?
A No, not that I know of.
Q Your godson, he didn't do go with you?
A No, he was up on the porch at the time that I know of.
Q Okay. Did it appear he was watching what was going on too?
A Yes.
Q What is his name?
A His name is .
Q Okay.
A And so by the time I made it to where I could see what was going on, Michael Brown was on his knees.
Q So by the time, so you heard four shots?
A Yes.
Q And then you come down to Coppercreek Court?
A Right.
Q And how far, where do you go?
A I was right in this part right here. (indicating)
Q Near the intersection of Coppercreek?
A Yeah, I went all the way in.
Q And Canfield?

A I was like right here.
Q Is that a parking lot?
A Yeah, that's a parking lot.
Q All right. Near Canfield Drive?
A Yes.
Q And where did you see Michael Brown, you said he was on his knees, where was he?
A He was in this area right in here. (indicating)
Q On Canfield Drive?
A Yeah, he was on Canfield Drive.
Q Was he in street or in the grass?
A He was in the street.
Q All right. When you saw him on his knees, what was he doing?
A He had his hands up like this. (indicating)
MS. ALIZADEH: I was writing, I didn't see what you did with your hands. Can you show me?
A He was on his knees was like this. (indicating)
Q (By Ms. Whirley) You're showing that his hands are raised up in the air, what, above his head?
A It wasn't all the way up like that, it was

like, it was like this. (indicating)
Q Somewhat above his head?
A And that's when he started falling and went on down.
Q Okay. So on his knees falling down when you saw him. Were any shots being fired?
A Um, I saw the officer and before he was like, Michael Brown was like falling down, the officer shot him again and that's when he went down.
Q Okay. So let me make sure I understand. You heard four shots, you come out onto the parking lot on Coppercreek near Canfield, you see Michael Brown on Canfield in the street on his knees with his hands up above his head, but not straight up and then you hear or you see one more shot to his head did you say?
A Yes, ma'am.
Q And then he falls down?
A Yes, ma'am.
Q Which way does he fall?
A He falls face ward, not backwards like this, he went forward.
Q So you heard a total of five shots?
A I heard more shots than that.
Q Okay. Tell me about the other shots that

you heard?

A Um, it was like, it was like, you know, how you got a full automatic pistol and they go off like, that's the way going like that. (indicating)

Q It sounded like a fully automatic pistol?

A Yeah that's what it sounded like.

Q That's what it sounded. How many shots do you think you heard total?

A Total I heard 11 shots.

Q 11 shots?

A But it could have been nine shots because, you know, echo.

Q Okay. So 9 to 11 shots?

A Yes.

Q You first, how many shots did you hear when it first got your attention that somebody was shooting?

A Four.

Q Four?

A Four.

Q And where were those others, I guess?

A I was constantly, as I was coming out, I reached my son's porch, I heard like three or four more shots. As I started running down, I was still hearing shots and then when I made it to where I was

at, the police was where he was at, he was facing the officer and the officer shot him and shot him in the head.

Q That's the one shot you saw?

A Yeah.

Q When you heard the first four shots, could you see anything?

A No.

Q I mean, could you figure out what was happening? You just knew somebody was shooting?

A Yes.

Q And that's when you go to the parking lot and you see Michael Brown on his knees?

A Yes.

Q Had you seen Mike Brown before the shooting started?

A I had not personally knowing him, I known him for like two years.

Q I'm going to get to that, let me ask this question. Did you see him that day before the shooting occurred?

A Yes, I did.

Q What did you see when you saw him that day?

A That he was heading up the street like he

normally do, I was coming down from the store, he was going up to the store.

Q Like which way was he going?

A He was going this way and I was coming down this way. (indicating)

Q He was going toward West Florissant?

A Right.

Q And how, how much time before the shooting occurred did you see him going towards West Florissant?

A Um, I cannot pace that.

Q Okay. Was it earlier that morning?

A Yeah, it was earlier that morning.

Q What was he wearing?

A He was wearing some khaki like shorts. He had on some yellow socks that look like bumblebee socks that he had pulled up to his knees. He had on his flip flops that he loved so much cause every time I seen him, he always have flip flops on. And he had on like a T-shirt and a red Cardinals baseball cap.

Q Okay. And you say you have known him for about two years?

A About two years.

Q What is your relationship?

A If I see him, I just speak. We will talk about God and he talk about how he's going to change his life, about making something out of his life. Like the boys in the neighborhood, he going to go to school and make something with his life working on people's home with air conditioners, stuff like that. Help people that can't afford to pay big bucks to get their air conditioner and furnace, basically fix it for them, stuff like that.

I told him that's good, keep that thought and keep positive and everything it will work out fine. And that's the last talk we had.

Q When you talk about changing his life, did you know what he meant by that?

A No, ma'am.

Q Okay. All right. Did you know his parents?

A No, ma'am.

Q His grandmother?

A No, ma'am.

Q Now, when did you first talk to the police and tell them about what you knew?

A I didn't talk to the police officers.

Q Who did you talk to?

A I talked to the FBI.

Q To the FBI. Do you recall when you first spoke with the FBI?

A Um, I don't know, they just kept on calling my house irritating me.

Q They were calling your house?

A Yes, and I felt I was being harassed.

Q Do you know how they knew about you?

A No.

Q Okay.

A They told me that the leasing office supposedly gave all the information who stayed in where. They was going door to door knocking on people's door. And they had a hard time catching up with me, I take small walks in the morning too sometimes beings how my arthritis is doing. If it flares up, I can't do it, but I was having good days because it was warm outside so I was able to take my walks.

Q Okay.

A And, um, so I can't remember his name, I should have remembered his name because he called me so much he started upsetting me. I don't want to talk, I don't want to get involved, I mind my own business, I help anybody if they need to be helped. I talk to everybody, but I don't want to get

involved with that because I've already been traumatized from six years old to the age I am now, and just talking about it is upsetting me. And I don't likes to be upset.

Q And we understand.

A That's what he said, I understand. It ain't going to take long, so my son said momma, you always told us to do the right thing, so do the right thing. I said okay.

So I called him back, I couldn't get him, he called me back I told him okay, I do this. And he brings a person with him, oh, Lord.

Q Do you need some water, ?

A No. I told him that I didn't want to relive that day. I said I didn't want to relive that day. So I told him same thing I told you all. I saw him in the middle of the street on his knees with hands up. Officer came up to him and shot him in his head and he fell.

Q What did you do when you saw him fall?

A Oh, I cried because it brought back memories that I've been suppressing for years.

Q Is that something you want to tell us about the memories you have been expressing?

A When I was six years old I was in the

store and this officer shot this man with a shotgun. He had just shot him down.

Q And that's what you thought of when you saw Michael Brown shot?

A Yes.

Q All right. And you went back into your house or did you stand around?

A I stayed there for a while.

Q What did you see happen after you stood there for a while?

A Um, people started coming out.

Q What did the police officer do?

A They snatched him up and they took him down to the leasing office and they had that all blocked, nobody could get near him. But when I saw the officer's side of his face, it was like red.

Q How far away?

A I don't know if it was a bruise or he turned red because he was mad, I don't know.

Q Did you hear the officer say anything?

A No.

Q Did you hear Michael Brown say anything?

A No.

Q Okay. You never heard either one of them say anything?

A No, if they was saying anything, I couldn't hear it.

Q You couldn't hear it?

A No.

Q And you said the officer's face looked red or bruised?

A On this side of his face it looked red.

Q Right side?

A It looked red. I can't say if it was a bruise or not because I wasn't that close to actually see.

Q And how close were you, would you say, from the officer when you saw his face?

A I was like on the grass right here. Right here is where I was at. (indicating)

Q How many feet do you think that would be apart?

A I don't know.

Q As close as we are now?

A I don't know.

Q Okay. So even if I kind of walked it out, you couldn't tell me?

A Now, turn sideways okay. Now that's --

Q About this close?

A Yeah.

Q Where you could see the officer?
A Yeah.
Q Okay. Would you be looking at his left side?
A Yes, it had to be his left.
Q But you said it was his right side that was bruised?
A I didn't say it was bruised, I said it was red.
Q You could see both sides of his face?
A No, if he was looking directly at me, then I could see the whole face.
Q Was he ever looking directly at you?
A No, we never made eye contact.
Q Did he face you?
A No, we never made eye contact.
Q You think his left side was to you?
A It could have been left or right, I'm not good on left and right stuff.
Q All right. And then could you see Michael Brown's face?
A No, I just saw the back of him.
Q Okay. So when you see Michael Brown on his knees, did you say you were somewhere like in the parking lot?

A Yeah, I was right where them cars, but those cars wasn't parked there.

Q Were you about the same distance from Michael Brown as you were from the officer when you saw him on his knees?

A Uh-huh.

Q And we're probably 10 or 15 feet, I guess, kind of what you said to me?

A I don't know, I just know I heard the officer say that the incident didn't happen a 100 feet from where I stayed at.

Q When did you hear the officer say that?

A The officer that came to my home.

Q I see. An officer did come to your home?

A Yeah, he was tall, he was cut clean head.

Q Did you talk to that officer?

A His face was clean. I tried until he upset me and called me a liar.

Q He called you a liar?

A Yeah, he told me I was a liar, stop lying. I told him I had no reason to lie about nothing. I told the other one he had black hair, he was not as tall as him and I don't know if they was playing bad cop, good cop stuff, you know. And like I told them, I'm too old to be playing games like that.

Y'all ask me to let y'all in my home, I did that. If y'all came to my home to upset me, you need to leave.

Q Had you ever really seen Darren Wilson before?

A No.

Q You never had any interaction with him at all before this incident?

A You say Darren Wilson?

Q The police officer involved with the shooting who shot Michael Brown, his name is Darren Wilson?

A Oh, yeah, once.

Q You did once?

A Yeah, when I was running from QuikTrip because I had to pee, because I normally walk to QuikTrip and get my donuts and coffee and cigarettes, and I was running down Canfield trying to make it home to pee. I didn't buy no coffee that day, I just had donuts and cigarettes.

Q And what happened?

A As I was running, he was asking me what are you running from. I say I'm running from QuikTrip to try to get home, I got to pee. He pulled in front of me and I ran straight into it,

that's why my knees is kind of messed up a little bit worse than what they are.

Q How long ago was that?

A This was like, I've been in Canfield for four years, this was like two and a half years ago.

Q And your knee is messed up because of it?

A No, I already had chronic arthritis, it just got worse.

Q So you said you ran into the car?

A Yeah, and then I called the captain of Ferguson.

Q Let me ask you what happened when you ran into the car?

A I peed on myself.

Q Did you have any discussion with the officer?

A Yes, I did.

Q Tell us about that?

A I told him I say, uh, why is you blocking my way of getting home. I said I'm trying, I got to pee, I said I'm peeing on myself. I said I ain't peed on myself since I was two. I'm feeling very violated. Could you please move your vehicle so I could pee.

He looked at me, he smiled, and then

he pulled his car back. And I was on the phone talking to the captain as I was running down the street to finish peeing in the toilet.

Q What captain, who did you call?

A I can't remember the captain's name I called, but I called and said I want to speak to the captain, lieutenant, or a sergeant.

Q Was this with the Ferguson Police Department?

A Yes, this was Ferguson Police Department.

Q Did you speak with one of them, with the captain?

A Yes, that's what he said who he was. I can't say that's who he was because I'm on the phone.

Q Okay.

A And he say, well, did the officer do any bodily harm to you or nothing. I said he just made me feel smaller than what I would be because I had peed on myself. He say, did he let you go? Yeah, after I peed on myself. I don't think that's right.

You know, I say I don't steal, I don't beat up nobody, I do nothing like crazy stuff. I'm just running down the street. I can go on the south side city or south side county, west side and

run anywhere I want to run and not be stopped by an officer at all. I can run anywhere I want to run and not be stopped by an officer at all.

Q Did he get out of the car when he stopped you?

A No, he stayed in his vehicle, he didn't get out.

Q Did you see him ever again before the shooting occurred?

A I saw him in Jennings.

Q Okay. And that was before the shooting occurred?

A Yeah, that was before the shooting occurred.

Q When you saw him in Jennings, was this before or after the incident where you peed on yourself?

A It was before I saw him in Jennings. I saw him in Jennings twice.

Q What was going on when you saw him in Jennings twice?

A I can't remember, I seen him at Jennings. I stay at Jennings sometimes.

Q Did you have conversation with him those two times?

A Hi and bye, that's it. Because he would speak to me and I say hi, he'll say hi and I'll say hi, officer.

Q So you knew him when you saw him and he knew you when he saw you?

A We didn't have no like personal thing, when I saw you, I say hi, you know, it is just me. I just speak.

Q Okay. So after this happened, after you peed on yourself, did you have occasion to see him after?

A Uh, no, I didn't see him no more until that incident.

Q Until that incident?

A And I wasn't for sure that was him or not cause I saw like the side of him, so and then when they showed a picture of him, I say I know him.

Q So as you sit here today, you know that the Darren Wilson that they've shown that did the shooting is the one that stopped you when you were running trying to get home?

A Right.

Q Now, when you talked with the FBI, according to my notes it was maybe August 26th of 2014. I think you first talked to them on the phone

August the 13th, a few days after this happened. Then they actually had an interview with you August 26th, do you remember that?

A Yes, I called them. They left a card on my door.

Q Okay.

A So I called them, I told them, I said I don't do court. I help you in any way I can help you. But I'm not trying to get involved, but this is what I can tell you what I saw and said y'all can take it from there.

Q They actually came to your apartment; is that right? Did they come to your apartment?

A They came knocking, but I wasn't there, that's when they left their card the first time. And then, I can't remember his name, I should remember that name, I can't remember.

Q That's okay.

A He just kept on calling, kept on calling me. And then my son told me that by him being my power of attorney, he figured I should not talk to him because you upset my momma, I don't want to talk to you either.

Q Where did they have the interview with you at?

A In my home, in my kitchen. I went behind my son's wishes and behind his back and I let him in anyway.

Q Why does your son have power of attorney?

A He have power of attorney because I had cancer in my back. Thank God that it ain't there no more. And I was having blackouts and I couldn't take care of my business at the time, so I had to stay with my son for like almost two years.

Q So was that like two years ago?

A Yes.

Q But he still has power attorney?

A No, sir, cause I never took it away back from him.

Q Okay. Do you need him now to have power of attorney?

A No, I do not. I just went through that stuff right now.

Q When you talked to the police that day, do you recall stopping the recording when they were recording your statement?

A Yes, I did. The one that is tall, clean cut, started irritating me, called me a liar, it just irritated me so bad, that I really wanted to choke him. I ain't going to lie and say I didn't, I

wanted to choke him.

Q Okay.

A I told him, after I cut it off, I said I'm done, I said what I had to say and I cut it off. They need to leave my home. They refused to leave my home.

Q Okay. And did you --

A And then the one with the black hair told me, he say just calm down. He told the other two to leave my home. And that's when they brung a female come in. Before she came in, he cut it back on. He said, , I want to ask a few more, I said okay.

Q So you did let them record some more?

A Right. I told them I say, that they said that since I'm lying that what I said at first must have been a lie. Right now I'm going to tell you the truth, is what I put on the recording.

Q So you admitted on the recording that you lied initially?

A Right, although I wasn't, but that's what they wanted to hear, so I just gave them what they wanted to hear.

Q Okay.

A Then I told them, I said, okay, I'm going to tell you the truth. And that's when I told them

about the part that I saw him on his knees, the police shot him in his head, his arms was up and then he fell.

I just made it clean cut and short. I'm not trying to give the beginning of the details to the end, they weren't trying to hear that. You need to get out of my house because I don't need to hear this. You can't tell me I'm lying, you don't even know me to tell me I'm lying. I don't have any reason to lie to you or nobody else.

They just start to irritate me so bad that then, I went to go from my kitchen drawer to get me a spoon so I could get me some Jello to eat so I can take a pill with my Jello.

And he thought I was going for a knife. I say no, I'm not suicidal.

Q Why would you --

A That's because I'm with BJC Behavior Health. I don't use weapons on myself, I take pills.

Q You mean you tried to commit suicide before?

A Yes, like what I'm going through now, all of these questions about death and stuff, that brings back other stuff that I'm trying not to

remember.

Q I understand.

A Cause I have a dream about this stuff, I'm seeing it now when I talk to you now and I'm not liking what I'm seeing. And I'm trying to hold myself where I can help y'all out of what y'all need to know.

Q We don't want you to help us, just tell us what happened?

A What I mean by helping you is telling the truth, that's helping you all telling the truth.

Q Right, that's all we want.

A That's what I'm doing, that's why I say I'm trying to keep myself, oh Lord, I'm feeling like I was in my apartment.

Q Okay, all right.

MS. WHIRLEY: Kathi?

A Anything else?

MS. ALIZADEH: Pardon me?

A Anything else?

MS. ALIZADEH: You know what, I have some clarifying questions.

A Okay, clarify.

Q (By Ms. Alizadeh) And , I'm not saying, these questions are not intended to

embarrass you in any way, okay. But you mentioned that you take pills?

A Yes.

Q Is it for a mental health condition?

A Yes.

Q Do you know what your diagnosis is?

A They say I have mood swings, three personalities.

Q How long have you been taking medications, do you remember how old you were when you started?

A I can't remember.

Q Okay.

A It has been a long time.

Q And I know you stated you take blood pressure medication and --

A That's morning.

Q And allergy medication?

A Yeah.

Q Those things are not for your mental health?

A No, they are just for my morning stuff.

Q Okay. Do you know what the name of your medication is that you take for your mental health?

A I started with the for the mood swings to suppress stuff.

I don't know, I take 14 medicines a day, I can't remember them all.

Q Okay. Would you say are you good about taking your medication every day or do you sometimes go off of it because you don't like what it makes you feel like?

A I take them every other day, sometimes, I don't know if I took it or not. See, I have the nurse come every Monday and do my medicine for the week. And I was without a nurse for like eight weeks, so I took morning meds, but I couldn't take my psych meds because I didn't know which one I was supposed to take.

Q Do you live by yourself?

A Yes, I do.

Q So somebody comes in once a week to make sure you are okay, make sure your medications?

A I have a worker come five days a week.

Q Okay.

A She makes sure I take my meds.

Q Okay.

A And my nurse, she make sure that my meds have been taken, my doctor comes and see me once a month.

Q When you take your meds as you are

supposed to, how does that make you feel?

A Some will make me feel good where I don't feel like I'm a threat to myself or nobody else. I can take criticism, when I take certain meds. Certain meds if I don't take them, I can't take nobody hollering at me period. Just makes me angry, makes me want to hurt them.

Q Okay.

A But if I take them, I'm like normal.

Q So they make you feel calmer?

A Yeah, and they make me feel normal.

Q If you are not taking your meds like you're supposed to, it makes you more agitated?

A Yes.

Q Do you ever get paranoid?

A No.

Q What about it, it might make you angry with people?

A Yeah.

Q When you don't take your meds, and again, I'm not asking you this to embarrass you or anything?

A No, just go ahead.

Q Are you able to --

A Function right?

Q Perceive things or do you ever have trouble, you know, like perceiving what's really going on around you?

A Yes, I do.

Q Okay.

A If I see anything that isn't there it ain't like, it is something like, I know, these glasses here. It won't be like the glasses I'm thinking ain't there, no, I'm never like that.

Q Okay. Do you know if on August 9th you have been taking your medication regularly?

A Yes, I did take my meds.

Q You took it that morning?

A Yes.

Q You already said that?

A Yes.

Q What about today, did you take them today?

A No, I didn't take them today because I was, I thought I had to be here at exactly 8:00. So I didn't get that much sleep because I was trying not to miss the cab and so when I got up, I got a chance to get my shower, get dressed, and I thought maybe I got time to fix something to eat and I was trying to fix something to eat. And then my son said, the cab is here. So I couldn't get nothing to

eat, so I cannot take my meds unless I have food on my stomach first.

Q So you said your son told you your cab was here, was your son at your apartment this morning?

A No, he came and knocked on my door today.

Q Does your son live in the complex?

A He stays at and I stay at It is like a walkway.

Q What's your son's name?

A , that's my godson.

Q And he's here today with you?

A Yes.

Q He's your godson?

A Yes.

Q You're not related by blood then?

A No, huh-uh.

Q Is that the same person that has the power of attorney for you?

A The one that has power of attorney is , that's my birth son.

Q Okay, all right. You remember you and I talked last week about you coming in; is that right?

A Yes.

Q Do you remember having a conversation on the phone with me?

A Yes.
Q I know that upset you, you didn't really want to have to do that?
A Yes.
Q But one of the things you talked to me about that time you had mentioned that you wear a body camera?
A Yes.
Q How long have you been wearing the body camera?
A I've been wearing the body camera for almost two months.
Q Were you wearing the body camera on August 9th?
A No.
Q Do you have it on today?
A No, that's because you told me that I couldn't wear it. That's respecting what you are telling me.
Q Why did you decide two months ago to start wearing the body camera?
A I don't want to be disrespected no more by officers. I've been called, excuse my French, a nigger bitch, a bitch ass nigger by officers. One was County Brown and one was Ferguson. It hurt me,

like it cut me with a knife. I said I respect everybody, I don't care what color you is, what belief you have, I respect everybody.

Q Okay.

A So I can understand why these officers did that to me. So when I was offered the body camera, I wore it. And when they see body camera, how you doing, ma'am. You have a good day. You have a good day too, sir. When I have the body camera on. When I didn't have that on me, that's what I was called.

Q Okay.

A You know, the N word didn't bother me. The B word did, but that's a female dog. I don't walk on fours, I walk on two.

Q Well, I understand and frankly the N word is --

A No, cause that didn't bother me I was not acting a fool, you know, that's what that word really actually stands for, a person that is acting stupid and doing stupid things.

Q Let me ask you, you started wearing this a couple of months ago, were you wearing it when the police came to your house and upset you the way you talked about that he was calling you?

A I didn't have it on, but it was in my

home.

Q Okay.

A So when they came, they came in the morning and I still had my pajamas on that day.

Q Okay. So the first police that came to your house, were those the County Browns, were those detectives with St. Louis County?

A No, they was FBI.

Q Okay. But when they first came to your house, you didn't talk to them, you didn't make a statement at that time?

A I wasn't there. They kept on missing me.

Q Okay. And then eventually you did talk to them; is that right?

A Yes.

Q And Sheila asked you during the interview you got upset and you grabbed the recorder and turned it off is; is that right?

A I didn't grab it, it was on my table, I just pushed the button off.

Q Okay. You said you were upset because they were telling you you were a liar?

A Right.

Q Were they saying that while it was recording?

A Yes, they did.
Q Okay. And so --
A He said you're lying because we talked to a whole lot of other people, they ain't said nothing you are saying, you lying. And that's when I say okay, you say I'm lying, then I'm lying, I cut it off. I said get your recorder and get out of my apartment.
Q Okay. And then at some point you calm down or they got you to calm down?
A The one with the black hair, he's the one that told me, , just overlook him. He's being an ass, just overlook him, just go on with this interview.
Q So they turned on the recorder again?
A I cut it on.
Q Okay. And then you started telling them what you saw; is that right?
A Right.
Q Just so I'm clear, I know you said you live in this right here? (indicating)
A Right, uh-huh.
Q What floor do you live on?
A The bottom.
Q Okay. So from when you exit your house,

do you have to walk up steps?

A That's five little steps.

Q So you don't have like a balcony?

A No.

Q When you look out the window of your house, can you see out to Canfield?

A No, I can only see the parking lot and building across from me. That's why I left my apartment and went to (sic)

Q Okay.

A It is still it is is their address.

Q Okay. So you said you were watching TV when you first heard shooting?

A Right.

Q And then you went outside at that point?

A Yes.

Q Do you remember when you were talking to the FBI agents, do you remember telling them that you heard nine shots and two clicks, do you remember telling them about the clicks?

A The clicks. I told them I heard click, click.

Q Okay.

A I did say that.

Q Do you know what that was, the clicks?
A I just heard click, click.
Q When did you hear the click, click in relation to what you saw?
A That was after.
Q After?
A He hit the ground.
Q Okay. So after Michael Brown hit the ground, you hear two clicks; click, click and you're shaking your head yes?
A Yes, I forgot.
Q That's all right, I'll catch you. So you said, you testified here today that you saw when you came around kind of down by the street, you saw Michael Brown on his knees in the street with his hands in the air; is that right?
A They weren't all way up in the air, they was like this. (indicating)
Q Okay. And the officer you said you saw him shoot him in the head at this point?
A Yes.
Q Do you remember when you talked to the FBI you told them that you didn't actually see any of the shots?
A No, I did not tell them that.

Q Okay. You don't recall saying that?
A No.
Q Okay. And did you ever see another African-American young man that was around there at the time?
A That was running?
Q Yes.
A At the time?
Q Yes.
A Yes, I did see a young man running on like that side, this right here.
Q How about can you use the map to say where he was running?
A I can imagine that there is Canfield.
Q Okay.
A And that's the side I'm on, and that side there is where like the mailbox be in the other apartments. He was on that side running and going toward.
Q You are talking about the south side of Canfield, right?
A Yeah, on that side that is outside and he was there and he was running. Okay. This is where the male basically stood before he be going this way and he was running behind the building. But he was

coming from this way, coming down, he shot across the street to the grass area he was running. (indicating)

Q What did he look like?

A He had dread, dreadlocks as they called them, call them dreads.

He was, he was my complexion. He was not chubby or real skinny, he was like mid frame, if I can find somebody in here, he was your size. (indicating)

Q Do you remember anything about what he was wearing?

A He had on a white T-shirt, I don't remember if he had a hat on because I saw the hair. He had on short blue jeans pants, you know how they sag, that's the way they were.

Q Okay. Do you remember what the officer looked like that day?

A Caucasian, he had blond hair. The eye color I only saw the side of his face, so I couldn't see his eyes.

Q Do you remember what he was wearing?

A He was wearing a blue uniform.

Q Do you remember if it was long sleeve, short sleeve?

A Short sleeve.
Q How about a hat, did he have a hat on?
A No hat.
Q You saw the officer's face and I know you said you're not real good at left and right, but you saw a side of his face that you said looked red?
A Yes.
Q But you don't know why that side of his face was red?
A No, I don't know because he was mad, he was blushing or whatever, I don't know. I just know that it was red.
Q Okay.
A If he was like turning like I am to you, his whole face was red.
Q And so you recall today that Michael Brown was on his knees with his hands about like this? (indicating)
A Yes, ma'am.
Q You saw the officer shoot him in the head?
A Yes, ma'am.
Q You saw him fall on the ground?
A Yes, ma'am.
Q And did the officer shoot any more after his knees had fallen on the ground?

A I know I heard his hands did, I guess, like this on the gun.

Q Did you hear gunshots?

A No, I just heard click, click and it could have been behind me clicking, I just heard click, click.

Q But you could see the officer's hand pulling the trigger?

A Yes.

Q Do you remember which hand the gun was in?

A No, not at this time, no.

Q Did you see any blond or when Michael Brown was on his knees with his hands in the air, did you see any blood on his shirt?

A I just saw the back of him.

Q You just saw him from the back?

A Right.

Q Did you see any blood on his back?

A I wasn't looking for no blood or nothing like that. If I want to make some stuff up, I'm not going to say I saw blood. I did see blood later. I didn't see none when he was on his knees and stuff like that.

MS. WHIRLEY: Okay. I don't have any other questions. The grand jurors might have

questions for you. Anyone have questions?

A No questions, thank you.

I have two questions.

You stated that you saw Michael Brown that morning walking, you met him in the street, you had been out taking your morning walk, you saw him and he was on his way to the store?

A (Nods head.)

: And you said that Michael had told you that he wanted to change his life and become better?

A He said he wanted to change his life from what he was doing.

: Okay.

A What he was doing, don't nobody know that but him. I knew who Michael Brown was, cause he was staying with his grandma, I found out later, he was staying with his grandma, which was at Northwinds, which was around the corner where I was staying.

But he socialized with everybody in Canfield because he basically join the younger folks in Canfield, there was older folks in Canfield. So he hung out there, so that's where I got a chance to know where he was.

: You don't know if he was

troubled?

A No. Every time I saw him he just, you know, told me that and we talk about God all the time. If I'm not going up, he's coming down, and if I'm not coming down, he's going up. That's the way we have our conversation. And we have maybe like five, ten minute talks, he go his way and I go mine.

: Do you know, ma'am, if you took your medicine the day before?

A I only missed three weeks and that's just recently.

: Okay. Thank you so much.

MS. WHIRLEY: Anyone else?

Good morning.

A Good morning.

. I know that you testified and I know you have been through a lot since this incident, but you're not holding any animosity about the situation?

A Oh, no, ma'am.

Okay. So this is straight from your heart?

A Yes, it is. That's is one thing I cannot do is hard my heart for nobody.

: All right. Thank you.

A I still love everybody.

Yes, sir.

. That day you heard the shots and you left your apartment, did you walk, did you run, did you, what kind of -- how did you move to the scene?

A I ran.

: When you hear the shots, do you think you want to stay in the apartment for safety or what kind of drew you out to --

A Because the way that the sound was coming, it never came from that way, it always came from behind in Northwinds. And Northwinds is known for shooting up the town, that's what I thought. It is an apartment complex back from behind.

Come from a different angle, it is new, it is just me, I want to know where it is coming from, that's why.

: Okay.

A Anyone else?

MS. ALIZADEH: Okay. Sit here.

A I wasn't leaving.

MS. WHIRLEY: Before we do that, let me ask you, is there anything else you want us to know that we didn't ask you that you would like to

express to this grand jury?

A Um, not at this moment.

MS. WHIRLEY: Okay.

A Maybe before I leave, but not right now.

MS. WHIRLEY: Now is the time to do it.

A Now is the time?

MS. WHIRLEY: If you want to do it, you got to do it now. We don't want to stop you from saying anything. You need to tell us, or to tell this jury.

A Well, I appreciate you all giving me the opportunity to tell my side that I've seen. And God bless you all, and that's it.

MS. WHIRLEY: All right.

MS. ALIZADEH: You know what , when you saw Michael Brown walking earlier and he was walking like toward West Florissant, was there a young man with him when he was walking toward West Florissant or was he by himself?

A He was by hisself when I saw him earlier.

MS. ALIZADEH: Okay. Nothing else.

(End of the testimony of)

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q Good morning.

A Good morning.

Q Please introduce yourself to the grand jury and spell your name for the court reporter?

A My name is ,

Q Okay. , you know why we are here?

A Yes, I do.

Q About the Michael Brown shooting?

A That's correct.

Q Do you remember that morning, August the 9th, it was a Saturday, 2014?

A Clearly.

Q Clearly, good. Tell us what you remember about that morning? And you don't have to jump straight to the shooting, I want you to lead us into it.

A Okay. Basically I was sitting on my porch

around 11-ish, I say 11:35, somewhere around there.

Q Okay. You have, there's a laser pointer right there. Do you know how to use that? There's a button right here, there will be a red light.

You said you were sitting on your porch, does this map help you to show us where your porch would be?

A Exactly, right here.

Q What's that address?

A

Q That's in on the map and this is Grand Jury Number 25. We are looking at, all right. So you were sitting on the porch. What time did you go sit on the porch?

A Around 11-ish, 11:35.

Q What had you been doing before that?

A I was preparing coffee and to go get better reception on my porch to talk to a friend that was in because I was preparing myself to go out of town.

And I heard a gunshot or two.

Q So one or two shots?

A Yeah, one or two. And it caught my attention because I'm sitting on the porch and I'm talking to her and I'm like, hold on, let me call

you back. And, uh, I seen to go right into it.
Q Go ahead.
A I seen an officer, as well as Mike Brown, this is east down, I guess, I don't know.
Q Yes, that would be east, on this would be West Florissant over here.
A Okay. Mike Brown was running in this direction and I came further to my porch balcony because I couldn't believe it, you know. I'm used to hearing noises in the neighborhood, gunshots and to see that it was a police officer shooting at an individual running eastbound on my street was kind of like far fetch for me to believe.
Q All right. So you saw Mike Brown running eastbound and the officer was chasing him shooting after him?
A It wasn't so much him chasing him, it was just gunshots going on. I seen Mike Brown running eastbound on my street.
Q What was the officer doing?
A The angle that I was in, I seen him in view after he came from this building, he came more clearer to me as he came going up more Coppercreek.
Q You are not suggesting that this officer left this street, are you?

A No, he did not.
Q You are talking about you were moving?
A I wasn't in clear view of him until he came in the view of chasing Mike Brown eastbound.
Q Okay. When the officer came into view, for you, show me again where you were?
A I was on my porch.
Q Outside?
A On the balcony, on the balcony.
Q Is that outside?
A Yes, ma'am.
Q All right. And where was Mike Brown?
A He was running east bound.
Q Where was the officer?
A Not too far from, a little bit up further because he wasn't like real clear view of me seeing him as of yet. I seen Mike Brown clear as day. And then I started to see the officer as he was getting closer, but he didn't get that close. He didn't cross 9422 Coppercreek, he did not cross over.
Q Okay.
A Basically when a shot went off, again, I seen Mike Brown put his arms up and he turns around.
Q So he puts his arms up before he turns around?

A He puts his arms up, yeah, when he turns around when he turns around.
Q Why don't you demonstrate for us?
A When he turns around --
Q I'm going to kind of talk to get where I want to go to, okay, listen to me.
A All right.
Q Mike Brown is running eastbound.
A Yes.
Q The officer is coming after him and you hear shots fired?
A Yes, ma'am.
Q And so what does Mike Brown do?
A After the shot, I guess when it grazed him on his arm.
Q Now, you're guessing, why are you guessing that?
A Because I didn't know where he got shot at, I'm assuming that he got shot.
Q And you learned that later from news?
A Autopsy. All I know that he turned around after the gunshot went off, he turned around and did this. (indicating)
Q Okay. Turn your back to us like you are running.

A You running and pow, pow, so I guess he felt something and he turned around, and he turned around right on Coppercreek directly in front of where I was able to see in eyes view. He started walking back toward West Florissant where the officer was in view of me to see him from my porch.

Q And what was the officer doing as Mike Brown walks?

A He had his gun raised. (indicating)

Q Was he coming toward Mike Brown, backing up --

A They was both coming at each other at a moderate pace. Mike Brown was walking towards him, just walking towards him.

Q Like walk towards me.

A Walking towards him. And the officer had his gun up like this is all I seen was him having his arms raised and he was coming closer and Mike was coming like, stop shooting. And he's shooting him and kept shooting him. (indicating)

I'm like, he don't pose no threat, where is his weaponry to where you deem him to being hostile.

I mean, there was two construction workers over there on the side of my building that

was viewing the same thing I was viewing. And they seen what I seen, so did other people seen what I seen. It wasn't justifiable in my eyes and I didn't see it to be a hostile situation.

Q So when you saw Mike Brown with his arms up coming towards the officer, he did not appear to be rushing the officer to you?

A Not at all, not at all.

Q Did he appear to be charging the officer?

A Not at all, not at all.

Q What in your mind is going on?

A I was discombobulated, I didn't know what was going on because I seen this individual, like I said, running eastbound on my street like what's going on.

I didn't see, I didn't deem it to be a hostile situation to where the officer needed to of have had his gun raised at the level in which he had it at, you know what I'm saying? Facing Mike Brown. So I know that this sign is a sign of surrender. (indicating)

Q And you clearly saw his hands raised above his head?

A Clearly, clearly, I was in plain view of seeing it.

Q They were not straight up?
A They was at an angle.
Q At an angle above his head?
A It was simply I surrender. I don't know, like I said, I don't know if he got hit or shot at that point, but based on the autopsy of the news, I didn't know until that came through.
Q Did you hear Mike Brown say anything?
A Stop shooting me.
Q Did you actually hear him say that?
A Yes, in the distance that I was at because I think that was he was in pain based on the gunshots due to his body because he was taking them.
Q Did you see any blood?
A I didn't see any blood, but I seen that the gun was fired off into his upper torso.
Q And you heard him say, stop shooting me?
A Stop shooting me.
Q At what point was he saying, stop shooting me?
A When they came close.
Q Was his hands raised when he said that?
A Still, still his hands was still raised.
Q You said the officer shot at him several times in his torso when his hands were raised?

A Yes, ma'am.

Q How close were they when the officer was shooting at him when his hands were raised? I can walk it out for you. Like if you are the officer and I'm Mike Brown, tell me when to stop.

A Come further.

Q Up closer?

A Okay. Get the arms up like, okay, so he's shooting.

Q So they're this close?

A At this point right here. And as he was shooting, he was moving back because they got close.

Q Like we're a few feet apart?

A Exactly, and he had his arms up.

Q Okay. Who starts moving back?

A The officer starts moving back after shooting, still shooting, he was shooting, and then he start moving back.

Q And how many times did he shoot him when Mike Brown had his hands up?

A Uh, from what I seen it was multiple, like two to the upper torso, two down to the lower torso and the remaining portion, I'm still on my porch. They start to walk further on Canfield going back this way to where it becomes a blind spot for me

because of . I'm not able to see at a certain angle.

So I don't know the closure of the remaining bullets that caused to the head, I can't see it because I'm in a blind spot.

Q So you didn't see Mike Brown hit the ground?

A I can only assume based on after shot.

Q You did not see him hit the grown?

A No, I did not.

Q So when you saw him after taking those shots to the torso, he was still --

A He was still standing.

Q Standing and walking towards the officer?

A Yes.

Q Was the officer saying anything?

A I didn't see the officer's lips move or nothing.

Q You would have heard him if he was saying anything?

A If he would have said it at a tone to where I was able to hear based on me being on my porch.

Q And when Mike Brown said, stop shooting me?

A I clearly heard him from this point, from over here to my parking lot. I mean, over here in the street, I was able to still hear this.

Q Was he loud in your opinion?

A Yes, after with the gun, yes.

Q Stop shooting me, was he saying that, yelling that?

A It was a scream like. If the bullets is piercing his skin.

Q Okay. You are still on your porch, you never went downstairs?

A I went down after he fell to the ground.

Q Okay. So when you are at your porch, that's when you see what you see?

A Yes.

Q You don't see anything happening when you go down?

A I don't see the closure of the situation.

Q Okay. So from where you were on your porch to where the incident, the shooting was occurring, any idea how far apart you were?

A The distance between my apartment and the street?

Q Uh-huh.

A I don't know the radius, I don't know.

Q Okay. And your vision, is it pretty good?
A No, I got bad vision.
Q You got bad vision?
A Yeah, I've got bad vision. I've got contacts in to where I'm able to see what I saw because of the daylight.
Q So your contacts were in then?
A Yes, they were.
Q And your hearing?
A Yes, it's good.
Q Okay. All right. So total number of shots that you heard that morning?
A I'm going to say at least ten, that's it. I can't give you no more.
Q You think ten. I know you have heard information on the news about the autopsy and where shots were on his body, right?
A Yes and no, because I did not listen to or look at a lot of news. I just --
Q But you know some of the information by where he received the shots?
A Yes, yes.
Q Okay. Now, do you recall when you first talked to the police?
A I did not talk to the police.

Q Who did you talk to?
A FBI.
Q Do you recall when you first talked to the FBI?
A Yes, I do.
Q When was that?
A It was the following Saturday they came to everybody's apartment and questioned individuals.
Q So approximately a week after --
A Somewhere like that.
Q -- this occurred?
A Yes, ma'am.
Q And you did give them a statement?
A Yes, I did.
Q Okay. As you are telling us here today, I believe you did not see the initial --
A No, I did not.
Q -- when he first made contact with the police officer?
A No, ma'am.
Q Okay. You only saw it when the police officer was pursuing him east on Canfield Drive?
A Yes, ma'am.
Q And just to make sure I'm clear, were you hearing shots fired as Michael Brown's back was

turned?
A Yes, ma'am.
Q So it would be reasonable to assume that he's shooting based on what you are telling us, that he's shooting at Mike Brown as he's running away?
A Yes, ma'am.
Q You say you didn't hear him?
A I didn't hear him say anything.
Q Initially you thought he actually shot him in the back, right?
A Initially.
Q Before you knew where the shots were?
A Exactly.
Q You realized he wasn't shot in the back, does that make sense with what you saw?
A Yes, it does, it makes sense, it does, it makes sense to coincide with what I thought.
Q Okay. Now, did you see anyone with Michael Brown when you saw this incident occurring?
A No, ma'am. All I seen was Mike Brown running eastbound on the street.
Q And tell me again why you believe that he was hit before he turned around? We now know he wasn't shot in his back. You said you believe he was shot in his back, why did you think he was hit

before he turned around?

A Because I heard gunshots, you know, I heard the gunshot and when he turned around, I figure he was hit. And so he immediately submitted, subdued hisself like, okay, this is real, you know.

Q You didn't see anything that gave you the impression that he was injured?

A No, I did not. I didn't see no physical indication on his body whatsoever based on distance.

Q Okay. Was it strange to you that he was walking towards the police officer?

A No, it was not because he was ready to, I guess, give hisself up from running based on being grazed by the bullet and I did not know that information until, like you said, the autopsy came out.

Q But, I mean, with his hands up and walking towards the officer, what was your thinking when you saw him do that?

A He was ready to give hisself up.

Q And you didn't see him do anything threatening towards the officer?

A No, I did not, none whatsoever.

Q Now, you seen the movie clip, I call it movie, but it's a news clip with the two

construction workers?
A Yes, ma'am.
Q And there's someone saying he wasn't a fucking threat?
A That was my voice.
Q You have seen this and you verified that's your voice?
A Yes.
Q Okay. Now, once he, well, you already said you didn't see him hit the ground?
A No, I did not.
Q So where do you go after --
A After he's on the ground.
Q I mean, you just hear, see him approaching the officer, the officer is still shooting, what do you do?
A I get closer. I come from my porch. I walk and he's laying there dead on the ground. After hearing a couple more shots go off.
Q Did you hear more shots go off from when you were leaving your porch to get out here on Canfield Drive?
A Yes, I did, yes, I did.
Q Did you see the officer shooting into Michael Brown's body as he laid on the ground?

A No, I did not. I can only assume that that happened.

Q Did you see him get shot in the head?

A No, I did not.

Q Now, how did you make contact with the FBI?

A They made contact with me.

Q Okay. So they came to your apartment?

A (Nods head.)

Q Okay. Now, when you initially talked to the FBI, and we've listened to your statements, or Kathi Alizadeh and I have, there is information in there that the officer was standing over him while he laid on the ground and finished him off?

A You know, I said that out of an assumption based on me being where I'm from and that can be the only assumption that I have.

Q You didn't see him hit the ground?

A I didn't physically see none of that because of the blind spot in which I'm located at and this is , there is a cutoff margin so where I'm not able to see. My assumption and my common sense leads me to believe that's what occurred.

Q That once he hit the ground that the

officer finished him off?

A (Nods heads.)

Q You did not see that?

A I did not physically see that.

Q Okay. You never saw the officer standing over him shooting into his body?

A No, I did not.

Q Okay. Now, did you know Michael Brown?

A Uh, my nephew knew Michael Brown, my sister knew Michael Brown, he was a friend of my nephew's. They played and he came over to my sister's house occasionally to play with my nephew and they was real cool and my sister said he was a well-mannered individual.

Q Did you have any interaction?

A Never whatsoever.

Q Okay. You learned all of this after he died?

A After he died.

Q Okay. Now, did you talk to anyone that day about what happened?

A As far as who?

Q About what was going on and what you saw and I mean, just, like the construction workers or other neighbors?

A Yes, neighbors was conversing with each other all through the day, all through the night.

Q Okay. And you were talking?

A We was all discombobulated.

Q What do you mean discombobulated?

A Just confused, couldn't believe that it happened.

Q Okay, all right. You went out here where the body was, was the officer still there?

A He was present for a few moments or so until he was relieved.

Q What's he doing, what did you see him doing, if anything?

A Pacing back and forth, you know, that's about it.

Q Did he still have his weapon drawn?

A No, he did not. He had it in the holster.

Q Anybody appear to give Mike Brown any type of assist?

A They tried to, but they had it taped off where, you know, individuals could not even enter into, not even close relatives could even enter into the scene.

Q Okay.

A I had to hold off his step dad because he

was so emotional.

Q You actually held him off?

A Held him off. He was ready to go and see his son, you know, I had to use all my strength.

Q Did you know the police officer Darren Wilson?

A No, I do not.

Q Never had any contact with him whatsoever?

A No, I did not.

MS. WHIRLEY: Kathi?

Q (By Ms. Alizadeh) All right. , the first time you talked to the FBI, which was a week after this happened, you told them a story that had a bunch of lies, isn't that right?

A A bunch of lies?

Q Well, you told them that you saw the officer stand over Michael Brown and empty his clip into his body and finish him off, didn't you say that?

A Well, you know, I did say that, but it was based on assumption. Like I told her earlier because the blind spot, me being in and that's I'm not able to physically see the closure of the situation.

Q You told them that you saw Michael Brown

get shot in the back and that's not true, is it?
A That's not true based on the truth of the autopsy coming out.
Q But you told them --
A Yeah, I told them that.
Q You saw Michael Brown get shot in the back?
A I didn't have no indication of where he was shot at based on me seeing what I seen.
Q And you told them that you saw the officer within an arm's length of Michael Brown shoot him in the head and you didn't see that, did you?
A Based on assumption.
Q But you told them?
A Yes, I did.
Q You saw that?
A Yes, I did tell them that based on assumption.
Q And then you also told them that after Michael Brown was on the ground, the officer stood over him and empty his clip into him and finished him off, and you told them that you saw that?
A Based on assumption again.
Q But you didn't tell them that you were basing that on assumption, you told them that you

saw that?

A I told them in the second meeting with the FBI, we all sat down and it was solely based on assumption because I'm not able to be at a point to where I'm not able to see. I told them based on assumption, if you see the report it says that based on assumption and my common sense, I wasn't physically there, so therefore, I can only assume that happened.

Q Well, okay. So I listened to your statement.

A You can read it.

Q In your first statement you didn't tell them that you were assuming that, you told them that that's what you saw?

A And that's what the second visit was for to clarify the first recording.

Q So in the second interview, they told you that, by the time you gave the second interview, at that point you had seen on the news there was an autopsy?

A Once again, I did not look at the TV or listen to reports. I looked at the reports as far as knowing his autopsy, I looked at it once to verify my clarification for myself because I did not

know where initially where the bullets landed.
Q Well, you changed your story in the second interview to say that when he was running away, the officer's shot actually grazed him in the arm?
A And that's what it did.
Q And you saw that?
A Based on the autopsy once again.
Q So you are basing all of this on not your personal observation?
A Well --
Q -- let me finish my question.
A Okay.
Q So you are basing this on, not your personal observation, but on just things that you heard in the media?
A It is concrete once the autopsy come out. I can assume anything based on me looking, I don't know, I don't know where the bullet was landing.
Q Didn't you say in your second interview you admitted that those things that you said you saw you really didn't see them and you were basing it on what you had seen in the media?
A That was the truth based on the autopsy coming back. I don't have no knowledge of giving autopsy, so yeah.

Q So it was after you learned that the things that you said you saw couldn't of had happened that way, then you changed your story about what you seen?

A Yeah, to coincide with what really happened.

Q So is what you're testifying about today what you really saw or you also basing your testimony today --

A I'm not --

Q -- let me finish my question. Are you also basing your testimony today on things that you assumed?

A You know, it is not a thing of assumption, based on being in the position when it happened in the beginning because I don't know where the bullets was flying to, I can only assume that they landed where they landed.

And that wasn't the truth of the matter being the autopsy came out and gave clarity based on what I thought I saw. The autopsy didn't lie. I didn't know in the beginning, I was full of emotion and I knew that this individual was getting shot. So I assume the portions of the body that I named, he was getting shot. The autopsy came out to

where it clarified everything where he got shot at so.

Q So you assumed when you made your first statement that the officer stood over him and empty his clip into him and finished him off?

A Once again, based on me being in and that's , I can only assume. I can only assume.

Q Why did you assume that?

A Because some individual getting shot by police, it was like, really, this just didn't happen.

Q I mean, don't you think is it possible that you said that because that's what other people were saying they seen?

A I didn't base that on anybody else's knowledge of. I only based it on my assumption, once again, because I'm in and that's and that's a blind spot. I only assume based on bullets being fired and a dead body laying on the ground.

Q You never saw Michael Brown fall on the street?

A No, I did not. I can only assume that he did because of the bullets that was due to his body.

Q And you said that you could clearly hear Michael Brown saying the thing he said screaming, right?

A He yelled, don't shoot me, stop shooting.

Q You remember in your first interview Michael Brown put his hands up and said okay?

A He was saying that too as well as the bullets was going off of his body, okay, he was saying okay.

Q You never told the agent in your first interview that he was saying don't shoot me, you said he was saying okay.

A I never told him in the first interview?

Q Yes. Do you recall?

A It comes out, to actually see somebody get gunned down, you might miss a couple of things, you know, because it's just a shock to see an officer shoot somebody the way he did. So you might forget something.

Q And I'm going to correct myself, I've got my notes from your first interview. You said Michael Brown said don't shoot, and then you said you saw him fall to the ground and the officer continue to shoot him. The officer stood over him and finished him off in the head.

A Once again, based on my location,

Q When you were interviewed first, you said Michael Brown said don't shoot?

A He was saying that, he was saying that.

Q And then in your second interview you said Michael Brown was saying okay.

A He was saying okay based on getting shot in his upper torso once again.

Q And now you are saying he was saying stop shooting me?

A He goes don't shoot, stop shooting, okay. There was a whole bundle of things of getting pierced with a bullet to his upper torso once again.

Q And in your interview, your second interview with the FBI, do you remember an attorney named that was talking to you?

A Maybe.

Q Black hair guy. And he said, you know, that it is important that you talk about what you saw and not what you assume happened?

A Okay.

Q And it was after he explained to you that you have to talk about what you actually saw and you also at that point knew that there was no shots in

Michael Brown's back, correct?

A At that point you're saying I didn't know there was shot to his back?

Q Well, in your second interview you talk to about the fact you knew he was grazed in arm because of the autopsy?

A Yes.

Q You knew about the autopsy results during your second interview?

A Based on what I seen with the graze on the arm and him turning around. As far as the other bullets are concerned, I wasn't concerned about them because of the fact the closure of the bullets, I was only concern of the graze of the arm based on his turning around and putting his arms up and what I seen when he was walking toward the police. He was getting shot in the upper torso and lower torso, that's all I can give you based on me visualizing and seeing what I saw, that's it.

I can't give you the closure of him standing over him and finish him off with a head shot. I don't know. I don't know. I assume, once again, based on me being where I was at in there's a blind spot. I can only assume by common sense that occurred.

Q So today did you see the officer shoot Michael Brown as he was running away?

A Yes, I did.

Q You saw him shoot Michael Brown as Michael Brown was running away?

A I saw him shoot in the direction, he became clear to, once again, he became clear to me as Mike Brown running eastbound on the street, he became clear to me when he made hisself visual outside of . When he became clear to me, this is the angle I'm able to see him at. He became clear to me and I notice that Michael Brown run this way, he became clear to me when he left this building right here, .

Q But my question is today, do you remember the officer shooting Michael Brown as Michael Brown was running away?

A Yes, I do.

Q You saw him shoot him as he's running away?

A I saw him shoot in the direction Mike Brown was running into, eastbound.

Q Okay. And then as you sit here today, do you remember seeing Michael Brown get shot in his chest and his torso?

A Yes, I did.
Q Do you remember Michael Brown falling on the ground?
A I can only assume him falling on the ground due to me being in and this , I wasn't able to see him physically fall to the ground.
Q So from is your where your porch is?
A Yes.
Q Michael Brown would have been right around this area, right?
A Yes, he would of.
Q And so at that point you kind of have a side view of him, is that fair to say?
A Side view with a blind spot.
Q Side view with a blind spot?
A Yes.
MS. ALIZADEH: I don't have anything else.
MS. WHIRLEY: Questions?

Can you show us on the map at which point Michael Brown turned around?
A At what point? Yes, how far east did he go?

A He was approximately, he was about right here. He was about right here when he turned around. (indicating)

: Can you show us where his body ended up?

A His body ended up about right there on the ground. (indicating)

: I'm trying to estimate that distance how far he traveled back to the west as he was being shot at.

A Right.

: I mean, I don't know that area well, is that 50 feet, 100 feet, that looks like a pretty good distance.

A Yeah, it's a pretty good distance.

That whole time as he's advancing towards the officer he's being shot at and the officer is backing up for part of that, I guess to keep his distance or what's happening in your mind?

A In my mind I see Mike Brown with his hands up once again, and they are coming closer and I'm like, why is you shooting this individual if he's showing a surrender, you know, I don't get it. He started backing up and still letting rounds off

like, you don't pose no threat, what is the threat. So I'm really puzzled, you know. Okay, thank you.

.

A How you doing. I have some questions. You said that you made your changes in your story after, um, the facts were revealed from the autopsy?

A Yes.

: So you said that Michael Brown was running eastbound?

A Yeah.

: Okay. And the police officer was shooting at him?

A Yes.

And you saw him get shot in the upper torso story?

A Yes, I did.

: So are you telling us that he got shot in the upper torso through his back?

A No.

: Okay.

A What I'm saying is based on --

: Not assumption, I want to

know what you saw. Did you see blood, how did you know he was shot?

A Well, basically his upper torso I was able to see with my own two eyes.

: Okay. And after he turned around?

A After he turned around, the officer is coming closer, he's coming closer and I was able to physically see, no assumptions.

: Okay.

A He was shooting in his upper torso.

: Okay.

A And I seen this.

: And how do you know he was shot?

A Cause I seen it with my eyes.

: Okay. What did you see blood, did you see holes, did you see smoke, what did you see?

A I seen the gun being fired, I seen the gun being fired into his upper torso.

You saw the gun being fired towards Michael Brown?

A Yes.

You didn't see anything,

a jerk or a fall or anything that would lead you to believe, I'm just playing the devil's advocate here, to lead you to believe that he was shot. You didn't see him, you saw him get shot at?

A I seen him get shot.

: Okay.

A I didn't see him get shot at. At that point you are asking me, but as far as when he was running eastbound is when he get shot at, that's shot at, but being shot.

: Okay.

A I seen him get shot in his upper torso.

: Okay. And what makes you say he got shot, did you see the holes, did you see the blood?

A The distance between the officer and Michael Brown and where he had his gun raised, I seen him physically get shot in his upper torso.

: Okay. And you say he was moving toward the police with his arms up and he was not posing a threat?

A None whatsoever.

: Okay. And I'm going to ask you this, and I believe you, but you live there so you knew he wasn't a threat to you, but if you

were a police officer and he's still moving toward you, how could you be sure that the police officer didn't think he was a threat? If I were being shot and I were being shot at, even though I had my hands up, I'd get on the ground.

Couldn't it be possible, why didn't he stop moving? I mean, it would seem to me that there could still be perceived as a threat if he's still moving toward the police officer and the police officer is backing up. Look at it from another point, I just want you to tell me if it's possible?

A It may be possible in your world.

: In my world?

A Yeah.

: Okay. What does that mean?

A That means that you more than likely not to be shot the way he was shot. So he did not know, being as young as he is, not knowing the seriousness the situation. After getting pierced with the gun, his torso to get down on his knees because he's thinking to hisself, I'm assuming that this officer what is he doing. He's here to protect and serve, he's here to protect and serve.

: If you were being shot,

wouldn't you want to get down on the ground?

A Immediately, but he did not know, apparently, he did not know to get down on the ground.

: So I want to ask you a question. Again, about that, and you say it was quite a distance that he moved toward the police officer, 50 to 100 feet?

A Uh-huh.

: Okay. And at that point he was out of your sight?

A Uh-huh, correct.

: So you don't know, he's moving toward the police officer, even though he has his hands up, he's still moving towards him.

A After getting shot in the upper torso.

: After getting shot in the upper torso, how many times has he been shot?

A I say, I say, about four times, I think about.

: Four times in upper torso?

A Two upper torso and two down lower portion. At that point it becomes a blind spot once again.

: So he's been shot four times, he's still moving forward, he hasn't gotten down on the ground, and then he gets out of your sight and you do not know what happens after that. You don't know if his hands went down, you don't know if he charged, you just know that his hands were up and he was still moving forward.

A Correct.

: And the police officer was moving back?

A Correct.

: Okay. So I need to know, you said, and you have to help me understand, I want to make a good decision here. You said he said stop shooting, but then you said he was saying okay, okay, okay. Why are you shooting me. I need to know what you heard, not what you think you heard or what you heard.

A I'm assuming, I'm not going to assume, I'm going to tell you based on you get pierced with a bullet.

: Uh-huh.

A Multiple things will come out your mouth you never spoke of.

: Okay.

A That's what he was going on. He was getting pierced by some bullets. He was pleading for his life.

: Okay. Thank you.

You have said earlier today that your story matched those of the construction workers, did you talk to them earlier that day?

A No, I did not.

: Did you talk to them after this incident happened?

A We don't even know each other.

: Okay. You haven't communicated since this incident?

A I haven't communicated to him, no.

: How do you know that your story matches their story?

A Excuse me?

: How do you know that your story matches their story?

A I say this much, we was looking in the same direction at the same given time. If it differs, then we both blind.

Thank you.

. Immediately

after the shooting stops, were you still on your balcony?

A I started to get closer because I was curious to want to know why was the extra rounds let off.

: Okay. Did you see any cars go by?

A Traffic stopped because of the officer's blocking off Canfield.

: Okay. So from the time that you were on your balcony to the time that you started getting closer to where Michael Brown had fallen, did you notice any cars going up and down Canfield.

A None whatsoever.

: I'm sorry, one other question. When you saw, when Michael Brown was running from the police officer, he first came into your field of vision, as he's running east towards the Northwinds Apartments, can you describe how he was running, was he in a dead sprint.

A It wasn't so much of a dead sprint, he was light footed, he had socks on. And he was trying to get little, in this expression I mean little, he was trying to get up, but he wasn't fast, it wasn't

fast. It was a moderate pace, you know.

Okay. And at that point he turned and as he's turning, his hands go up in the air?

A That's correct.

And he starts moving back towards the police officer and the police officer is moving back. Was it, can you describe how he was moving at that particular point?

A The way in which he was walking toward West Florissant?

: Yes.

A He was walking at a moderate pace to where he has his arms up, he was walking like this at a moderate pace. There was not no running whatsoever.

: Okay. And that's when you started to hear what he had to say?

A Because the gunshots was going off.

: Okay, all right, thank you.

At the point that you see him coming back with his hands up, did he ever appear to you that he was charging the police officer?

A None whatsoever, not to me.

Did it appear to you that he put his hands on his shirt or in his pants?

A No indication of that whatsoever.

: Thank you.

Prior to this incident, have you ever seen anyone or view anyone shot before?

A I, myself, have been shot before.

: Okay. And where did you get shot?

A In the arm, in the lower torso.

: Okay. And can you tell me what distance you were shot, was it the same distance at which Michael Brown was shot?

A Much closer.

: Much closer, okay. And when you were shot, did you immediately start bleeding?

A Yes, I did.

Okay.

. Were you shot by the police?

A (Shakes head.)

. Did you say that you ever got a visible facial expression,

the police officer, could you see his face at all?

A Yeah, he was looking based on what I seen, just in a state of confusion, I guess, that's the best I can express it to be.

: Is this afterwards?

A Yes.

: Could you see him at all during?

A Yeah, he was in the street. He was pacing back and forth talking to his fellow officer.

: Okay. While Michael was running, could you see the police officer, did he ever become visual?

A He became visual to me after he left this point. I was able to visibly see him when he came in view.

Could you see his face of any color issue or anything?

A At that time there wasn't no physical damage to his face that people say, there was nothing on his face.

: Thank you.

MS. ALIZADEH: , you came down to the scene closer eventually; is that right?

A Yes, I did.

MS. ALIZADEH: Did you see people around that area?

A A lot of people.

MS. ALIZADEH: Anybody you recognize?

A A lot of people that live in the complex.

MS. ALIZADEH: You recognize anybody that you know by name.

A Yeah, I did.

MS. ALIZADEH: What names do you remember seeing down there?

A Um, they got nicknames, they don't have even use their real names over there. So there is a lot of people that live in the complex with me. I seen , a lot of other little people and they was just in awe.

MS. ALIZADEH: And as the shooting was happening, I know you said you saw the construction workers there.

A Uh-huh.

MS. ALIZADEH: As the shooting was happening, not afterwards, as it was happening, did you see anybody that was in this vicinity? I'm just going to generally say, did you see anybody that was on foot in this general vicinity?

A Did I see anybody on foot? They only came

about being out there when they heard what they heard or seen what they seen based on Mike Brown being on the ground.

MS. ALIZADEH: Okay. So did you ever see, and is your stepmom, not stepmom, godmother?

A She's play mom, she stays next door to me.

MS. ALIZADEH: Did you ever see her that day?

A Yes, she was out there.

MS. ALIZADEH: Where was she when you first saw her?

A I wasn't, I wasn't paying attention to nobody. I was zoning in to what I seen. I just had a blockage.

MS. ALIZADEH: Okay. You said you saw her out there?

A After I came from my porch and everybody kind of gathered up as Mike Brown laid on the ground.

MS. ALIZADEH: You weren't paying attention to anything before you saw her at the scene after he was on the ground?

A Exactly.

MS. ALIZADEH: All right. Did you talk to

her about what you had seen?

A No, no.

MS. ALIZADEH: Did she talk to you about what she had seen?

A No, she kept stuff to herself, you know, like I was. I'm like, did this really just happen. It's like, it is hers, you know.

MS. ALIZADEH: Did you ever, I know there is a part of it at the end that you say you didn't see?

A Exactly.

MS. ALIZADEH: You never saw Michael Brown on his knees?

A No, I did not.

MS. ALIZADEH: All right. Thank you.

MS. WHIRLEY: Anybody else?

. Did you know prior to August 9th?

A I've seen her off and on.

So you have met her?

A Yes, off and on. Just, just the situation just brought everybody close together in a sense because, you know, you see people passing and you go hi, bye, it is just that.

: Okay.

Will you tell us why you were shot?

A Could you repeat the question?

: Why you got shot, somebody shot you?

A Why did I get shot?

: Yes.

A Um, it was a misunderstanding between me and a brother-in-law.

: Between you and who?

A A brother-in-law. It was a family related situation to where you know, it just occurred. That's not on the record?

MS. ALIZADEH: Pardon me.

MS. WHIRLEY: Any other questions?

MS. ALIZADEH: , is there anything else that you can think of or that we haven't asked you that you think is important for this grand jury to know and understand when they make their decision?

A Basically I think you guys are doing your best to dissect and analyze this case. I just ask that you be forever mindful of both sides, of both families and give just due.

MS. ALIZADEH: Okay. Anyone else have

anything any other questions? All right.

(End of the testimony of .)

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Could you tell us your name?

A

Q Okay. remember when I told you you are going to have to speak up so we can hear you all the way back here?

A Yes.

Q So first of all, can you spell your name for the court reporter?

A

Q Can I call you

A Yes.

Q How old are you?

A

Q And when was your birthday?

A

Q You live with your mom; is that right?
A Yes.
Q Now, your mom doesn't live in Canfield Green; is that correct?
A No.
Q Who lives in Canfield Green that you know?
A My dad.
Q And do you know what your dad's address is?
A I don't know.
Q Okay. Do you remember when the police first came to talk to you on the day of the shooting?
A Yes.
Q Were you at your father's apartment when they talked to you?
A Yes.
Q Okay. So if the, can you look on this map, this is Grand Jury Exhibit Number 25. These are the buildings and the roads that are in Canfield Green, can you see where your building is?
A No.
Q Okay. Do you know that your address is,

A No.

Q You don't know that?
A No.
Q Okay. So here is . So if your dad told the police that on the day that you were interviewed that that was your address, would that be, do you have any reason that your dad wasn't truthful, right, your dad told the police where you lived?
A Uh-huh.
Q Okay. And the police were at your house when they interviewed you, your dad's house?
A Yes.
Q Okay. So here is on the map right here. Do you know what floor your dad lives on?
A Third floor.
Q The top floor?
A Uh-huh.
Q And so when you were in your dad's apartment and you look out the window, the front windows, you can see Canfield Drive; is that right?
A Yes.
Q Okay. Now, were you staying with your dad when you were on, August 9th that day were you staying there, like the weekend or something?
A Yes.

Q Do you spend weekends with your dad?
A Yes.
Q Do you know people in the complex, do you have friends in the complex?
A No, that was my second time over there.
Q That was the second time you had ever been there?
A Uh-huh.
Q Have you been there since?
A Yes, once.
Q Did you know, now you know that this is about the day that Michael Brown got shot, right?
A Yes.
Q Did you know Michael Brown before that day?
A No.
Q Had you ever seen him in the complex?
A No.
Q All right. Do you know a guy named Dorian Johnson or DJ?
A No.
Q Okay. Um, so why don't you tell the grand jurors what you were doing on that day on August 9th when you heard something?
A Um, I was listening to some music on the

TV until I heard some screaming.

Q Okay. Nobody can hear you back here. That microphone isn't going to amplify your voice. So let's practice something, say

A

Q But louder?

A

Q A little louder low.

A

Q There you go, okay. I know you can do it. I bet you raise your voice sometimes, right?

A (Nods head.)

Q All right. So on the day that the shooting happened you were at your dad's, right?

A Yes.

Q Where in the apartment were you, is your dad's apartment a two bedroom or one bedroom?

A One.

Q One bedroom?

A Uh-huh.

Q So when you would stay at your dad's, where would you, would you sleep in the living room?

A The living room.

Q Like on a couch?

A Yes.

Q And so, um, when you're in the living room and you look out the windows, do you look onto Canfield?

A Yes.

Q Okay. So I think you said that, were you in the living room when you heard something?

A Yes.

Q What were you doing?

A Listening to some music.

Q Listening to some music?

A Yes.

Q Was it on the radio or were --

A No, I was YouTube.

Q On YouTube?

A Yes.

Q Was it on a computer then or on TV?

A It was on a game.

Q On a game?

A Yes.

Q Like a handheld kind of game?

A Yeah.

Q What kind of game was it?

A A Play Station III.

Q Okay. So this is a game that plays on your TV?

A Yes.

Q Was the music turned up real loud? Like sometimes my kids turn their music up really, really loud, was your music up loud?

A No.

Q And what happened that suddenly drew your attention to something?

A I heard some screaming.

Q And did the screaming, did you think it was inside the apartment or outside the apartment?

A Outside.

Q And did you, could you tell at that time if it was a man's scream or a woman's scream or a boy's scream?

A Um, no.

Q You couldn't tell?

A No.

Q Was the scream a word or words or was it just a sound?

A It was just a sound.

Q Prior to the scream, did you hear anything else that drew your attention?

A No.

Q So that's the first thing that you heard that you thought, what was that?

A Yes.

Q All right. So what did you do when you heard the scream?

A I walked to the window and started to look out the window.

Q So now in your living room, because we heard people talk about the apartments there, is there a sliding glass door?

A Yes.

Q Is that the window that you looked out?

A Yes.

Q And are there blinds on that sliding glass door?

A Yes.

Q On that day, do you know were the blinds open or closed?

A They was open, but there was some missing so I didn't have to touch the blinds.

Q They were open?

A Yes.

Q You didn't have to touch them?

A Yes.

Q They were in a way where you could look through the blinds?

A Yes.

Q So the blinds were across the window, but they were open?

A Yes.

Q All right. So when you looked out the window, let me ask you first. Was there anybody else home with you?

A No.

Q So when you looked out the window from what did you see when you looked out the window?

A I saw a police car parked in a funny kind of way.

Q Okay. Let's back up. I'm going to repeat what you say so everybody can make sure they hear your answers and you tell me if, remember if I say if I say something and it is not what you said, you need to correct me, okay?

A All right.

Q So you said you saw a police car?

A Yes.

Q Was it, can you describe the car?

A Um, I guess it was a truck.

Q A truck?

A Uh-huh.

Q So are we talking about like a pickup

truck or like an SUV truck?
A Like an SUV truck.
Q Okay. Did it have markings on it or was it just a plain color?
A It was a white car with blue police light on it.
Q All right. Now, so this was a marked police SUV?
A You said it was what?
Q It was a marked, meaning it had letters on it?
A Yes.
Q That said police?
A Yes.
Q Did it have a light bar on the top of the truck?
A Yes.
Q Were the lights on?
A No.
Q Okay. So you see the police truck and you said it was parked in the street?
A Yes.
Q You said it was kind of, I can't remember, did you say it was kind of parked funny?
A Yes.

Q How so?

A It was like it was in the street kind of like tilted so nobody could get past.

Q Okay. So from where you were looking at it, which side of the police truck were you looking at, the driver's side or the other side?

A The driver's side.

Q And so if this is the map of that street and if you live here, can you use this, this is a pointer, if you press that button see look, so you can use this to point on here. Can you point on there where the truck was when you saw it parked kind of funny?

A It was about right there. (indicating)

Q So pretty much in front of your apartment?

A Yes.

Q Okay. And so when you looked out and saw the police car, did you see any people?

A Yes, I saw one other person.

Q One other person?

A Uh-huh.

Q And what did that person look like?

A He was dark skin, had dreads and he had on a black shirt.

Q And where was he?

A He was standing about like right here on the side. (indicating)

Q So he was a little, a little further down the street east from where the police car was?

A Yes.

Q So if he, from where he was, could he reach out and touch the police car?

A No.

Q No. Too far away to touch it?

A Yes.

Q What was he doing?

A He was just sitting there watching.

Q So when you say he was sitting there, was he actually sitting?

A No, he was standing.

Q Was he in the street or on the side?

A On the sidewalk.

Q On the sidewalk?

A (Nods head.)

Q Was he on the opposite side of the street or was he on your side of the street?

A Opposite side.

Q Okay. And so did you see anybody else on the street or around the police car?

A I saw two cars trying to get through

coming from each direction.

Q So were these regular cars or police cars?

A Regular cars.

Q And you said they were going east to west, were they going this way on Canfield?

A One was going that way and one was going the other way. (indicating)

Q One was coming this way and one was coming that way? (indicating)

A Yes.

Q Were they able to get by?

A Yes.

Q So they went ahead and passed the police car?

A Uh-huh.

Q And did the car that was going westbound, did that pass the police car too?

A Yes.

Q Okay. What was going on at or around the police car, did you see anything?

A Yes.

Q What did you see?

A I saw, um, the man like trying to pull away from the police, pull his arm out of the police car.

Q Okay. So let's stop. You said you saw the man was trying to pull away from the police car?
A Yes.
Q So is this the man with the dreads in the black shirt?
A No.
Q So this is another person. So let's describe this person, what did he look like from what you could see?
A I saw a red hat, some yellow and black socks and flip flops.
Q All right. Red hat, what kind of hat?
A I think the Cardinals.
Q Was it a ball cap style hat?
A Yes.
Q Okay. And you said what color socks?
A Yellow and black.
Q Yellow and black. And then you said some Nike flip flops?
A Yes.
Q And what about his shirt, could you tell what kind of shirt he had on?
A No, I saw khaki shorts he had on.
Q Khaki shorts?
A Uh-huh.

Q And so when you looked out and you saw him, were you looking at his back, his side or his front?
A His back.
Q And so could you see his face when you were looking out, when you first looked out?
A No.
Q Was this, I mean, we've said a he, it was a male, correct?
A Yes.
Q Was he African-American?
A Yes.
Q And can you give me an idea of how old he might have been?
A Like 17 or 18.
Q So like a young man?
A Yes.
Q Not an older person?
A No.
Q What about his size, what was his size like?
A I'd say about 210.
Q About what?
A 210.
Q Like that would be his weight, 210?

A (Nods head.)
Q About how tall, how tall are you ?
A 5'8".
Q And looking at what you could see of this person, did he look like he was taller than that?
A Yes.
Q All right. And so where was he when you first, you said that you saw him look like he was trying to pull away. Where was he when you first looked out and saw him?
A That's what he was doing, trying to pull away.
Q Pull away from what?
A The police car, inside the police car.
Q So he was at the side of the police car?
A His arm was.
Q His arm was?
A (Nods head.)
Q Describe what you remember seeing. Is he next to the police car, in front of the police car, behind the police car?
A He was next to it.
Q Was he on the driver's side or on the other side?
A Driver's side.

Q Was he closer to the front of the car or the middle of the car or the back of the car?
A The front.
Q Okay. Could you see, you said his arm, you said something about his arm, what was his arm doing?
A His arm was inside the police vehicle.
Q All right. His arm was inside the police vehicle?
A Yes.
Q Do you remember which arm?
A No.
Q And did you get any, could you see what was going on inside the police vehicle?
A No.
Q Could you see if there was anyone inside the police vehicle?
A I wasn't paying attention to that.
Q Okay. So at this point you just notice him?
A Yes.
Q And one of his arms is inside the police vehicle?
A Yes.
Q So I don't want to assume anything, but is

it, is the door open, is the window open, how is it that his arm is inside the vehicle?

A The window is down.

Q Okay. Which window, the front, like the driver's window or back window?

A The driver's window.

Q All right. And so you said he was like trying to pull away?

A Yes.

Q Okay. Can you describe what you mean by that, what was he doing that you say it looked like he was trying to pull away?

A Because he had one of his arms on the police vehicle moving back trying to pull away.

Q So one of his arms was on the police vehicle?

A (Nods head.)

Q And the other one was inside?

A Yes.

Q And you think he was trying to pull away?

A Yes.

Q Could you see why he couldn't walk away from the vehicle, could you tell what was keeping him from --

A I guess he was grabbing on like.

Q Okay. And you're guessing that or you can see it?
A I'm guessing.
Q So you couldn't tell what was holding him from pulling away?
A No.
Q You said it was like he was trying to pull away?
A Yes.
Q And, okay. So what did you see then?
A Then, uh, I seen the police officer try to tase him.
Q Okay. So you said you saw the police officer try to phase him?
A Uh-huh.
Q Could you see a police officer?
A You said, did I see a police officer?
Q Yeah.
A Yes.
Q Okay. Where was the police officer?
A In the car.
Q Was he in the back or the front?
A The front.
Q Was he in the passenger or driver's side?
A Driver's side.

Q And you said you saw him try to tase him?
A Yes.
Q So what do you mean by that, describe what you saw?
A I saw him pull out something. I also saw something go past.
Q You saw who pull out something?
A The police officer.
Q All right. And did you see where he pulled it out of?
A No.
Q And what did this thing that he pulled out look like?
A It looked like a yellow and black kind of thing.
Q I'm sorry, it was like a yellow?
A Yellow and block.
Q Yellow and black?
A Yes.
Q So you described it, you said that he tried to tase him, have you seen a taser before?
A No.
Q All right. What do you think a taser looks like?
A Uh, I think it is yellow and black.

Q Okay. So does it look like, all right. You said the officer had that in his hand. Do you remember which hand it was in?

A Yes.

Q Which hand?

A His right.

Q And what was he doing with it?

A Like he pointed it at the victim.

Q So he pointed it at the guy that was at the car?

A Yes.

Q Okay. And you said you saw something come out of it?

A Uh-huh.

Q Did you hear anything?

A No.

Q You didn't hear any kind of pow or noise?

A Not until he shot.

Q Okay. So at this point something comes out of the taser?

A Yes.

Q What did that look like?

A It was like a string.

Q Like a string?

A Like a metal string.

Q Okay. And so does that look like it hit the boy or the man at the car?
A No.
Q Did you see that it didn't hit him or you couldn't tell?
A I saw that it didn't hit him.
Q So did it go past his body then?
A Yes.
Q Have you ever seen like a taser being fired like on television or anything?
A No.
Q You never seen a taser being fired?
A No.
Q Okay. So then what happened then you saw the taser and the thing came out and went past the boy in the car, what happened then?
A I saw him pull out his gun.
Q You what?
A I saw him pull out his gun.
Q You saw him with his gun?
A Yes.
Q You saw who with his gun?
A The officer.
Q So where did the gun come from, did you see how the gun came into the picture?

A No.
Q Did the gun look different than the taser?
A No.
Q It looked like the same thing?
A Just a different color.
Q Different color. So the taser kind of looks like a gun?
A Yes.
Q Only it was yellow and black?
A Yes.
Q And then a string thing came out of it?
A Yes.
Q And the gun, what color was that?
A Black.
Q Was the officer still in the car or out of the car or where?
A He was just about to get out. He was opening up the door.
Q Okay. So you saw the officer opening up the door?
A Yes.
Q And did he get out of the car?
A Yes, but he waited until after he fired the shot.
Q Let's back up then. You saw the gun and

do you know what hand the officer had it in?
A No.
Q You said that he fired a shot?
A Yes.
Q Where was the boy who had been at the car, where was he when the shots were fired?
A He was at the apartment complexes.
Q Was he running into the apartment complex when the shot was fired from the gun?
A Yes.
Q Okay. So did you ever see or hear that gun being shot while the boy was up at the car?
A Yes.
Q Okay. So let's back up. You see a taser being fired and then you see the gun?
A Yes.
Q And the first shot of the gun, where was the boy when it was first shot?
A He was still at the car.
Q Still at the car?
A (Nods head.)
Q And then what happened?
A Then that's when he took off.
Q He took off.
A Yes.

Q And then where did he go?
A He ran down the street.
Q So when you say he ran down the street, was that Canfield Drive?
A Yes.
Q And did he run west towards West Florissant or east towards Northwinds Apartments?
A East.
Q So the officer got out of the car?
A Yes.
Q Do you remember talking to the police about what you had seen?
A Yes.
Q Okay. And did the officer have any trouble getting out of his car?
A No.
Q Okay. Do you remember telling them that the officer opened the door to shoot and then got out of the car?
A Yes, I remember.
Q So where was the officer when he first shot the gun?
A He was still in the car.
Q In the car?
A (Nods head.)

Q So when you said that he opened the door to shoot, when he first shot the gun, was the car door open or closed?
A Open.
Q It was what?
A Open.
Q Open. So he had opened his door?
A (Nods head.)
Q And Michael Brown was still at the vehicle?
A Yes.
Q Okay. Did he open his door all the way?
A Yes, he opened it.
Q So was Michael Brown hit by the door when the door open?
A No.
Q And I said Michael Brown, you know that's Michael Brown, right?
A Yes.
Q Okay. So was he farther away from the vehicle when the door came open?
A He was like almost towards the back.
Q So he had started moving at that point?
A Yes.
Q And he was close to the rear of the

vehicle?

A Yes.

Q And so you, when the officer fired the gun, was he still sitting in the driver's seat?

A Yes, he was still sitting.

Q So he would of had to turn around, if he was shooting at Michael Brown and he was close to the rear of his vehicle, did he have to lean out and turn around?

A Yes, he was halfway out.

Q Halfway out of the car?

A (Nods head.)

Q And so after that shot, did you see where that shot went?

A No.

Q No?

A No.

Q What happened then?

A That's when he kept running.

Q So Michael Brown kept running?

A I guess.

Q Okay. Don't guess. I thought that's what you said he kept running. I'm just trying to repeat it because I want to make sure they hear you.

A After that first shot I turned to look

away, I thought everything, he had him in custody, I guess, or whatever.

Q So after that first shot, you turned away and you didn't watch it?

A Yeah, I didn't watch it.

Q Okay. Was there something that was going on that drew your attention away from what was going on outside?

A No.

Q Why is it that you turned away?

A Because I didn't hear no more gunshots until, actually, I sat down and then I heard some more.

Q All right. So when you say you turned away, let's back up. When you were looking out the sliding glass door, were you sitting down or standing up?

A Standing up.

Q And so when you turned away, did you actually turn your body away from this or did you just not look?

A I turned my body away.

Q Did you then go back into the living room?

A You say what?

Q Did you stay in the living room?

A Yes.

Q Did you go sit down?

A Yes.

Q All right. So once you turned away, now at this point you said, you have gotten to the point where you said you heard one gunshot?

A Uh-huh.

Q And you saw the officer shooting his gun as Michael Brown was running away?

A Yes.

Q Or he was near the back of the vehicle?

A He was running, yes, he was.

Q Can you tell me where Michael Brown was, how his body was when you saw that first gunshot, was he facing the officer, was he facing away from the officer?

A He was facing away.

Q Facing away. Had he started to run when you saw that first gunshot?

A Yes.

Q Okay. And then you turned away from the window and you sat back down?

A Yes.

Q Did you hear anything after that?

A Yes.

Q What did you hear?
A I heard several more gunshots.
Q Okay. Were those was there a pause between any of those gunshots?
A No.
Q And you said several or seven, I want to make sure?
A Several.
Q Several?
A Uh-huh.
Q Can you in your head imagine them and see if you can tell me how many you think there were?
A Four to five.
Q Okay. And then what, if anything, did you do after you heard those four to five shots?
A I stood there and watch him get on his walkie-talkie thing and I saw more officers come.
Q Okay. So I got to come up here so I can hear you. You still what?
A I stood right there and I saw him get on his little radio thing.
Q So let's go back. So at some point you went back to the window?
A Yes.
Q When the four or five shots went off, were

you still on the couch or were you up at the window?
A I was still on the couch.
Q Okay. So when you went back to the window, what did you see, was it still going on?
A No.
Q Okay. What did you see when you looked back out the window?
A I saw him laying down. He was already on the radio.
Q You said you saw him laying down, so would that be Michael Brown?
A Yes.
Q And he was bleeding?
A Yes.
Q Can you use the pointer and show me where he was laying down?
A (Indicating.)
Q Was he me the street, or in the grass or on the sidewalk?
A In the street.
Q Where was the officer?
A He was over him.
Q Over him?
A Uh-huh.
Q So standing over him?

A Yes.

Q What was he doing?

A He was like on his radio thing.

Q So you pointed to your shoulder, was he talking, did it look like he was talking on a radio on a shoulder?

A Yes.

Q Could you hear what he was saying?

A No.

Q Did you hear Michael Brown and the officer, other than the scream that you heard, did you ever hear them say anything?

A No.

Q Did you ever hear any other screams?

A No.

Q When you say the officer was standing over him and he was talking on the radio, did the officer still have his gun?

A Yes, he still had it out.

Q Where was it?

A In his right hand.

Q So it was still out?

A Yes.

Q Was he shooting it?

A No.

Q After you turned away, after you saw the first gunshot, did you ever see the officer fire the gun?

A No.

Q So when you looked, when you said that his gun was out, can you stand up for me and show them how it was?

A How the officer was?

Q Yeah.

A He was like this on his thing. (indicating)

Q So the gun was like down at his side?

A Yes.

Q Was it pointed at anybody?

A No.

Q Okay. You can sit back down.

Now, at some point you were talking to the police you told them that you saw, well, initially when you were first interviewed you said, and I want to make sure I get it right. You said I saw a man with his hands in a police car trying to snatch it away and then he got away. Do you remember saying that?

A Uh-huh.

Q What do you mean by that. That he was

trying to snatch it away, I don't know what you mean by that?

A Like he was trying to prevent him from grabbing, keep grabbing his arm.

Q Okay. So let's clarify. When you say I saw a man with his hands in a police car trying to snatch it away, who was trying to snatch something away?

A The deceased.

Q Michael Brown?

A Uh-huh.

Q What was he trying to snatch away?

A His hand.

Q So he was trying to get his hand out of the police car?

A Yes.

Q Did you see anything in his hand?

A No.

Q Okay. And then you also said in the second, now you, last week you actually met with the FBI and the attorney and gave them another statement, right?

A Yes.

Q And that was downtown at their FBI headquarters?

A Yes.
Q Or did they come to your house?
A Downtown.
Q Downtown. Okay. And you said at that time you said the officer, it was like the officer was trying to pull him into the car, did you say that just last week?
A Yes.
Q So describe what you saw that makes you say that?
A Okay. Cause I saw him pulling away so.
Q So you saw who pulling away?
A The deceased.
Q Okay. And why is it that you say you saw the officer was trying to pull him into the car?
A Because I saw him going in like a back and forth motion.
Q A back and forth motion?
A Yes.
Q So did you ever see the officer, other than the time you saw the taser and then saw the gun, did you ever see the officer's hands?
A No.
Q So when you say a back and forth motion, what was moving back and forth?

A Um, the --
Q The arms?
A The decease's body.
Q The decease's body?
A Yes.
Q Was it moving forward and back, or was it from side to side or both?
A Forward and back.
Q Forward and back?
A Yes.
Q And you said already that you saw a hand, one of his hands was inside the police vehicle?
A Yes.
Q And one was on the police vehicle?
A Yes.
Q Okay. And you said you saw the police officer grabbing, I couldn't understand what you said, and then you said he was reaching for something and he was trying to open the door.
A Yes.
Q So let's go back. I couldn't hear on your taped statement because you are so quiet you said you saw the officer grabbing. Do you remember saying that?
A Yes.

Q What did you see the officer grabbing?
A I just saw him reach.
Q Pardon me?
A I just saw him reaching.
Q You saw him reaching?
A Yes.
Q With his arm or hand?
A Hand.
Q Reaching what?
A To his side, right side.
Q To his right. So you could see officer's hand reaching to his right side?
A I could see his arm.
Q Yeah. You said the officer tried to open the door and then he shot his taser. So when you say he tried to open his door, was, I don't want to assume something, I don't know if that means he couldn't open the door, or he did open the door, but what do you mean when you say he tried to open the door?
A He did, he opened it. That's when he started to open it.
Q Okay. Did anything prevent him from opening the door?
A No.

Q When he tried to open the door, was Michael Brown still right up against the car?

A No, he was towards the end.

Q It was towards the end. Okay. So Michael Brown, you already said was backed a little bit away toward the back of the vehicle?

A Yes.

Q And you also said that one of the things, one of the reasons why you turned away is you assume that Michael Brown would have been in custody and in handcuffs?

A Yes.

Q Why did you assume that?

A Because I didn't hear any more shots.

Q Okay. So when you turned away, you turned away after the first gunshot?

A Yes.

Q And then you said you heard four more shots?

A Yes.

Q Was there any pause between the first gunshot and the four more shots?

A Yes.

Q Okay. Do you know how long it would have been?

A About five seconds.
Q About five seconds?
A (Nods head.)
Q So when you say you turned away and you didn't look because you assume that Mike Brown or assume that that guy would have been in custody in handcuffs, did you assume that before you heard the four gunshots or after?
A Uh, before.
Q Before. And then you hear four gunshots and then you are went back and looked out the window?
A Yes.
Q And that's when you saw him on the ground?
A Yes.
Q When Michael Brown was moving away from the police officer, did you ever see his hands up in the air like this in this motion? (indicating)
A I don't remember.
Q Okay. And so you don't remember?
A (Nods head.)
Q All right. Did you ever see Michael Brown doing anything with his hands around this area of his midsection?
A No.

Q No, you didn't?
A No.
Q Because you are shaking your head, no, I don't want to put, I don't want to put this in your mouth, you tell me, it is yes or no. And if you don't remember, remember I said the correct answer is, I don't remember or I don't know, okay?
A Uh-huh.
Q Did you recall seeing anything like that where his hands were somewhere in this area of his body doing anything?
A No, I don't.
Q Did you ever see Michael Brown running?
A Yes.
Q Okay. So can you describe the way he was running, was he running with his arms at his sides or was he running with his arms outstretched in any way?
A He was running to the side.
Q Arms to the side?
A Yes.
Q And so when you saw him running, was he running away from the officer?
A Yes.
Q Was he running fast or was he kind of

jogging or was he?

A When I saw him he was just starting to run, so I don't know.

MS. WHIRLEY: I didn't hear that.

MS. ALIZADEH: When he first took off, is that what you said?

A Yes.

. His speed, how fast did you see him run or was it like a jog?

A It was like a jog.

: Okay.

MS. ALIZADEH: And that was when he first took off?

A Yes.

Q (By Ms. Alizadeh) So whether he stopped or slowed down or got faster, you stopped looking at that point?

A Yes.

Q Is that right?

A Yes.

MS. ALIZADEH: I don't think I have any other questions. Sheila?

Q (By Ms. Whirley) You said you have never seen anyone tased before, right?

A Yes.

Q What made you think he was being tased?
A Um, because I saw like --
Q You got to talk loud enough for me to hear.
A I said because I saw him reaching for something and then I saw a metal string come out.
Q You sought the officer reach for something and you saw a metal string come out?
A Yes.
Q Okay. When Mike Brown ran away, you said he was kind of jogging as he is running away from the officer, was the officer shooting at him?
A No.
Q Did you hear a shot fired at that point?
A It got silent.
Q I'm sorry?
A It was silent.
Q It was silent?
A Uh-huh.
Q What do you mean?
A After the first shot, I didn't hear no more shots until like five seconds later.
Q Okay. So the first shot, what was happening when you heard the first shot?
A He was trying to exit the vehicle.

Q He was what?
A Trying to exit the vehicle.
Q Where was Mike Brown when the officer is trying to exhibit the vehicle?
A Towards the end.
Q Towards what?
A The end of the car.
Q He was trying to get away from the car?
A Yes.
Q And the officer was exiting the vehicle and shot?
A Yes.
Q What direction did he shoot at?
A Like he had, he was halfway out the car. So he turned like towards his way to shoot.
Q Turn towards Michael Brown?
A Yes.
Q He was shooting at Mike Brown as Mike Brown is running away from the car?
A Yes, as he's starting.
Q Okay. And then you didn't hear any other shots?
A No.
Q And that's when you stopped looking?
A Yes.

Q When you saw Mike Brown at the driver's side window, when you said you thought he was trying to get away?

A Yes.

Q Could you see them pretty clearly?

A Yeah, I only saw the side of the officer's face.

Q I'm sorry?

A I only saw the side of the officer's face and I saw the back of Michael Brown.

Q You could see the back of Mike Brown and the side of the officer's face?

A Yes.

Q Could you see their hands, you could see Mike Brown's hands?

A Yes.

Q Could you see the officer's hands?

A No, I just saw his arms.

Q You saw his arms. Did he have on sleeves?

A He had short sleeves.

Q Short sleeves. So you could clearly see his sleeves?

A Yes.

Q You could tell he was white?

A Yes.

Q How far do you think you were aware from them, anyway to tell me?

A I don't know.

Q Do you have pretty good eyesight?

A Yes.

Q You don't wear glasses or anything?

A No.

Q So you saw Mike Brown's hands, was Mike Brown striking the officer?

A No.

Q When you saw him he wasn't hitting the officer?

A No.

Q You never saw him with a balled up fist or anything?

A No.

Q Did you see him reach in for the officer's gun?

A No.

Q You never saw him reach for the officer's gun?

A No.

Q Were you close enough to see what was going on in the car?

A No.

Q You were not?
A No.
Q But you were close enough to see, what could you see?
A Well, I saw him reaching and I saw --
Q You saw who reaching?
A Mike, and then I saw the officer reaching for his taser, that's all I saw.
Q So you could see inside the car, you thought he was reaching for his taser?
A But I can barely see.
Q You can see the officer reaching for something?
A Yes.
Q Did you see Mike's hands go to where the officer's hands were reaching?
A No.
Q Were you in a position to see?
A Yes.

MS. WHIRLEY: I think that's it for me. Questions?

At any point did you see his whole top of his body, Mike Brown's, go inside the police vehicle?
A No.

Do you know what mace looks like?

A What?

: Mace?

A No.

. You are in , correct?

A Yes.

: So you didn't see anybody, a man down in the grass area in a green shirt, or did you?

A No, I didn't see nobody.

: You didn't see anybody out there, no people?

A I saw one person on the sidewalk with a black shirt.

: No, I'm sorry, what?

A I saw one person on the sidewalk with a black shirt.

: A person on the sidewalk, can you show me where on the sidewalk that person was?

A He was right here. (indicating)

: What about your side of the street, by your building?

A There was nobody.

: There was nobody there?

A Nobody.

: You know for sure or didn't see them?

A I know for sure.

: Thank you.

MS. ALIZADEH: Did you notice a white lady out there?

A No.

MS. ALIZADEH: Is it that you didn't notice or you say I looked and there wasn't anybody out there.

A I looked.

MS. ALIZADEH: Nobody out there?

A Nobody out there.

. When the officer exited the car, the vehicle, could you see his face?

A Yes.

: Was there any coloration to his face?

A No, he was like a regular white guy.

MS. WHIRLEY: I didn't hear you.

A He had a beard and a mustache.

MS. WHIRLEY: You think he had a beard and a mustache.

A Yes.

MS. ALIZADEH: What color was his beard and mustache.

A Like a yellow-ish color.

MS. ALIZADEH: Huh?

A Like a yellow-ish color.

MS. ALIZADEH: I am just wanting to know was it like blond, or was it brown or dark?

A It was a blond color.

MS. ALIZADEH: Blond colored.

A Yes.

MS. ALIZADEH: Was it a full beard, like full beard like this guy kind of has, Number 1, or was it more of a partial beard like the guy in the blue shirt?

A It was like a partial beard.

MS. ALIZADEH: Kind of like goatee and mustache.

A It wasn't a goatee, it was just --

MS. ALIZADEH: I describe it as a goatee, I don't know, but it was not the full beard.

A Yeah, it wasn't full beard.

MS. WHIRLEY: Did his face look injured.

A No.

: I have one more question.

. When he exited the vehicle, did you see his lips moving at all, you know, telling Mike Brown to do anything?

A I wasn't paying attention.

: That's when you left okay.

. I have one more question. When you say at the very beginning you said you heard screaming, did it appear that there were two people screaming or was it just one voice you heard.

A I heard one voice.

: One voice.

A Yes.

MS. WHIRLEY: You couldn't make out what the screaming was, could you?

A No.

MS. WHIRLEY: Can you demonstrate what the screaming sounded like?

A It was like --

MS. ALIZADEH: That's going to actually require he actually raise his voice, I don't know.

MS. WHIRLEY: That's exactly why I asked the question.

A It was like an AHHHH, kind of scream.

MS. WHIRLEY: Like what?

A Like an AHHHH kind of scream.

MS. WHIRLEY: Like AHHH?

A Yes.

In regards to the scream, did you hear that only one time or was it like AHHH, AHHH, AHHH.

A Once.

Huh?

A Once.

: Once, just one.

A Yes.

MS. ALIZADEH: Anyone else. Is there anything that we didn't ask you, that you remember about that is important?

A No.

MS. ALIZADEH: Okay. When the police talk to you, did you feel that they were respectful or were they rude?

A Respectful.

MS. ALIZADEH: Did anybody ever get in your face or tell you that you were lying and stop lying?

A No.

MS. ALIZADEH: And you've had two interviews, right?

A Yes.

MS. WHIRLEY: Did you talk to anybody in the apartment complex about what happened?

A No besides my dad and his girlfriend.

MS. WHIRLEY: Your dad. You said you didn't know, there is a lot of young people I understand that live in the complex, but you had not become friends with any of them?

A No.

MS. WHIRLEY: You didn't hang out with anybody?

A No.

MS. WHIRLEY: Or talk to anybody about what happened?

A Huh-uh.

MS. WHIRLEY: Even when you went back later to visit with your dad?

A No.

MS. WHIRLEY: Okay. All right.

(End of the testimony of)

MS. ALIZADEH: It is October 27th, this is Kathi Alizadeh, it is 12:11 p.m. We just took a

little bit of a break so we could print-out some transcripts because the grand jurors have asked to listen to the recorded statement of that was made to the FBI on September 30th. So we have that disc queued, it is about 22 minutes. We were going to try to play that before lunch, we didn't get to it because we were busy making the copies. You all still want to start that or do you want lunch. It is not out there right now. So go ahead and start this?

The only other thing, and Sheila and I had a discussion about this before now is, she and I are going to kind of wing how we are doing this, after testified and she had come here with who she said was her godson and were in the waiting room here and testified after she did.

So when we walked out and we were kind of saying goodbye to them and they were getting ready to walk out , I made the comment about how it is too bad there weren't surveillance cameras in the complex.

And then said that she had video the entire thing on her phone and I said, what portion, what part did you video the whole thing I

said the shooting, you have the shooting taped on your phone. And she said yes, but I dropped the phone in the toilet.

MS. WHIRLEY: Then I asked her, you know, where is the phone, thinking we might be able to recover it with forensic examination. She said it is in the junk yard. She got so mad she threw it away.

MS. ALIZADEH: This is information that I've never known about.

MS. WHIRLEY: Neither have I.

MS. ALIZADEH: And Sheila has never known about this, and from my observation of her godson , he was, this was news to him as well because he asked her where is the phone and, you know, he seemed to indicate that he had not heard that information before.

So I thought it was important that you know that.

MS. WHIRLEY: I agree.

MS. ALIZADEH: Sheila and I kind of unwittingly became witness to that statement. I don't think it is appropriate that we testify as witnesses, but what we discussed is that knowing that there was a statement made like that.

If you desire we can bring back in and question her under oath about whether, about that and you can ask her whatever questions you want, but I wanted you to have that information so that you could make a decision amongst yourselves about whether you want to have her come back in and ask her about that.

So you guys can talk about that during your lunch break and for now we will go ahead and start the pass out the transcripts.

Did she mention was the recorder, was it on when the FBI was there or was it just sitting on her counter?

MS. ALIZADEH: My recollection and this is what you all are going to have to discuss amongst yourselves what she testified to, I believe I asked her if she was wearing the camcorder when the shooting occurred, and she said no. I think she said it was in her house, she said that during the first interview she was in her pajamas when they came.

She said that.

MS. ALIZADEH: You all are going to have to look at your notes. I don't want to represent she said something that maybe I'm wrong about that.

I did ask her if she had the camera on during the shooting and she said no. But whether or not she had it on when she was being interviewed by the officers, I recall something about that, you all are going to have to talk amongst yourselves about that.

: So no more questions?

MS. ALIZADEH: I don't know that I can answer, I don't want to characterize the witness' testimony or clarify it because that's something, that will be my interpretation and I don't want to have to do that. I will tell you that I think that there was talk about that if it is helpful, we can go back and, of course, we have the testimony on audio, we also will eventually have a transcript of it as well.

If you want to make a note that once those transcripts are available to me, that I can give them to you and you can go back and look and see exactly what she said in regard to that, all right.

I'm not being rude, I just need to have you guys decide that.

You ready?

(Playing of the audio recording of .)

MS. WHIRLEY: We are stopping this

recording of at one minute and 56 seconds and we will resume after lunch. This is October the 27th, 2014. The statement is actually approximately 33 minutes and some seconds, so we will resume it after lunch, thank you.

(Lunch recess taken)

MS. WHIRLEY: It is October the 27th, 2014. Approximately 1:17 p.m. We are going to resume the recording of . We stopped at about 2156. It looks like 2158, so it inched up a couple seconds. I don't think they're talking yet. I'm going to start it and then I'm going to find when they resumed the conversation.

(Resume playing of the audio recording of .)

(End of the audio recording of)

(Grand Jury Exhibit Number 55 marked for identification.)

MS. WHIRLEY: It is October 27th, 2014 at approximately 1:35 p.m. I'm getting ready to play the video recording, I'm sorry, the audio recorded statement of . You guys heard from her earlier today. It is identified as Grand Jury Exhibit Number 55. There's two transcripts that I

passed out because as she testified, she turned off the recording and then they started recording again. I did not know exactly how long her statement is, it is not very long at all. So with that --

MS. ALIZADEH: The transcript, they're both dated August 26th, but the one, the first one is 9:32.

(Playing of recorded interview of .)

MS. ALIZADEH: This is Kathi Alizadeh, it is about 2:07. And I told you that I had a conversation this weekend with . We had talked about her coming in to complete her testimony today. I asked her to be here by 1:00 and I said if you can be here by 12:30 that would be great, and here it is ten after 2:00, she's not here.

I did call the number I have for her, I got her answering message and I left her a message to call me about trying to reschedule. So I don't have any other live witnesses for today. Based upon what you all have told me before, told us, I have transcripts for two statements that were done by a woman whose already testified woman who has already testified,

There was an interview of her on August 9th, the day of the incident at 4:00 p.m. That interview was done by St. Louis County Detective and lasted two minutes and 23 seconds. So I have this transcript I can pass out to you. You guys can look at that right now if you would like.

And then there's a transcript of an interview of that's done on August 16th, 2014 at 11:43, I'm sorry, 11:34 a.m. by Special Agent and Special Agent , and so this interview was 24 minutes and 26 seconds so I will pass those transcripts out to you.

If you guys just want to take the rest, I know we're breaking at 2:30 today. So if you guys want to take the rest of that time to review those transcripts. And then if you have any need to hear those statements, those prior statements, we can play those at another time, or if you have a need to review testimony after having reviewed her, the transcripts of her prior statements, we can get that testimony, either play it back audio wise or we can get you transcripts of those as well. All right.

So at this time we'll cease the recording probably. We plan on recessing by 2:30 today. So at this time we'll just call the record quit for you all to review this until it is time to go, all right.

(End of Grand Jury Volume XVI.)

State of Missouri
SS.
County of St. Louis

I, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to

and the answers given by said witness.

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State of Missouri v. Darren Wilson

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Case: State of Missouri v. Darren Wilson

Grand Jury Volume XVII

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 28, 2014

VOLUME XVII

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 28th day of October, 2014, before XXXXXXXXXXXXXX.

APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

Assistant Prosecuting Attorneys for St. Louis County

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

(314) 615-2600

GRAND JURY HEARING VOLUME XVII

MS. WHIRLEY: Good morning. Today is October 28th, it is approximately 8:39 a.m. This is Sheila Whirley present, and also the 12 grand jurors are here and XXXXXXX, the court reporter, is here. Kathi Alizadeh is here, but has stepped out momentarily. We are going to start out the morning with the statement of . You have the transcripts. It is on Grand Jury Exhibit Number 49.

(Grand Jury Exhibit Number 49 marked for identification.)

MS. WHIRLEY: I will play approximately 20 something minutes. She has another statement that goes 40 something minutes. We are actually waiting on her to come that's why we are going to go ahead and do the statements. She was supposed to be here at 8:30. Kathi is going to check on that and she had not arrived before we came in this morning. So we are still waiting on her. So that's the way we will start the morning. XXXXXXX, with that bit of an introduction if you can pause the recording.

(This is the playing of the interview of .)

MS. WHIRLEY: All right. That was the first statement by We have another

statement by . I understand she is on her way. There was a mixup with transportation, but she's on her way. This one is, I think, approximately 42 minutes. And it was an FBI interview that was conducted on September the 25th of 2014. I'm passing out the transcripts. The actual recording is on Grand Jury Exhibit Number 36, and we will play that as soon as the transcripts are distributed.

(Playing of the second interview of .)

MS. WHIRLEY: That concludes the second interview of . We will take a break, you probably need one and then we'll start with her testimony when we resume.

,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q I'm Sheila Whirley and these are the 12 grand jurors. You met Kathi Alizadeh and XXXXXX, the

court reporter, sits next to you.

Please introduce yourself to the grand jurors and spell your name for us?

A Hi. My name is , last name .

Q Okay. , you know why we're here, the shooting of Michael Brown. Did you know Michael Brown?

A No, I didn't know him. I seen his cousin, I think that's the one that has the dreads. I seen him a couple times, but I didn't know him.

Q We're going to ask you to speak up. I generally stand back here so you and I can have a conversation loud enough for everybody to hear, okay?

A Okay.

Q And that microphone is not going to help you be louder, so you are going to have to raise your voice, okay?

I understand what you said about Michael and the person that was with him, had you seen Michael Brown before that day?

A Probably once.

Q Okay. When you saw him, did you talk to him or anything?

A No, we didn't talk or anything.
Q You lived in Canfield Green Apartments back on August 9th of 2014; is that correct?
A Yes, ma'am.
Q All right. There you go. All right. So how long did you live there?
A Since Valentine's Day.
Q So February 14th of that year?
A Yes.
Q Of this year. Show us on the map, you see that map, that's Grand Jury Exhibit Number 25 and there's a laser pointer right near you somewhere. You know how to use it, there's a little button, there you go. And you push that button down, there should be a red light if you push.
A To show where I live?
Q I want you to show us where you lived on August 9th, 2014. I don't see the red light.
A I'm trying to recognize the map.
Q Get oriented to the map. So does the map help you out?
A Yeah, I see it, my apartment is right here. (indicating)
Q So it is like ?
A Yes.

Q All right. Now, tell us what you did that morning, what time did you wake up that Saturday morning?

A That morning I woke up at probably, um, like 9:00. I was supposed to be expecting my boyfriend, the mother of his kids to bring his child over that day.

Q Was your boyfriend there with you?

A No, he was at work.

Q Okay. So when you, did the girlfriend bring the child over?

A She had brought him over later. I had a whole bunch of errands to do, I had to go to the library to return a movie.

Q Okay. You went to the library. What library did you guy to?

A .

Q Did you walk or drive?

A I caught the bus up there, but I didn't have no cash, I had to walk back.

Q Was it a pretty long walk?

A Uh-huh.

Q Okay. So what time were you walking back from the library?

A Um, I was coming down Canfield probably at

about 12:20, something like that.

Q Noon-ish?

A Yeah.

Q And on this map, can you tell that West Florissant is over here?

A Yes.

Q And were you walking from West Florissant?

A Yes, ma'am.

Q And tell us where you were walking when you first noticed something going on with Michael Brown?

A Uh, I was probably about right here by these trees. (indicating)

Q Okay.

A Because I had paused, I saw a police car sitting over here.

Q You've got to talk a little louder.

A I'm sorry. Sitting near the lease office with the lights on, you usually don't see a police car just sitting in Canfield.

Q Okay. Where is leasing office, do you see that on the map?

A Right here. (indicating)

Q Okay. That's the leasing office.

MS. ALIZADEH: Could you point at it again

because I was just looking down.
A I'm sorry. It is right here. (indicating)
Q (By Ms. Alizadeh) Building 1?
A Yes, ma'am.
Q All right. So you pause in that area and you said you saw a police car with its lights on?
A Yes.
Q What do you mean by its lights on?
A Like, uh --
Q The head bar?
A Yes, the little red and blue light on top of it.
Q At the top of the vehicle?
A Yes.
Q Not the lights that help you see at night?
A No.
Q And the lights that were on, what kind of vehicle was it?
A It was like the big, I don't know what kind, like SUV.
Q Okay. What color?
A A white.
Q But it was a marked police car?
A Yes.

Q Okay. You could see that from Building 1 area?

A Yes.

Q Then what?

A Um, so I paused like right about here, right by these trees just to see what was going on because I saw the police car had backed up and he like backed up at a slant, like to the left so that he ended up in the middle of the street.

So all the cars that was next to me like backed up right here was just sitting there. I sat there to just to try to see what is going on.

Q Did you see the car when it backed up or when you first noticed it had backed up?

A No, when I first noticed it was straight. The car was just straight. It was sitting right there, the car was facing towards West Florissant.

Q Okay.

A There was the two boys, they were like behind the car kind of like, like if he would of continued to talk to them the way they was walking, he would of had to back up to follow them. They was like walking away from his car. So he backed up at a slant going to the left to try to like block them off.

Q Okay. Can you describe the two boys that were walking that he backed up?

A Yeah, there was a big, really big, I didn't know he was that young. He looked like he was in his 20s and his friend was real skinny with dreads. He looked really young.

Q Do you recall what the big guy had on?

A I remember he had on a white T-shirt that was about it, like tan pants.

Q Was he wearing anything on his head?

A He had a red hat on.

Q Okay.

A A red Cardinals hat.

Q A Cardinals cap?

A Uh-huh.

Q And then the guy, you said he had dreads and he was smaller?

A Yes.

Q Do you recall what he was wearing?

A Looked like he had on a gray, like a dark, gray shirt.

Q Okay.

A I don't remember what kind of pants or anything.

Q Okay. And you said you had, you had seen

the smaller guy before?
A Yeah, I had seen him before.
Q But not the big guy?
A No.
Q We know today that the big guy is Michael Brown, correct?
A Yes.
Q Okay. And that's who you saw?
A Yes.
Q So when the car back-back, did it back-back like hurriedly or slow or what fashion did the car back-back?
A It was kind of like a fast, it was quick like. I don't know how to explain it.
Q Okay. That's fine. Did it appear to touch the two guys that it back toward?
A It looked like it did. I'm not saying that it did, but the way they jump back, like they were in shock like.
Q So you saw the two people that the car back towards jump back?
A Yeah, kind of like what are you doing, you know.
Q Okay. Now, we read and heard your recorded statements because you made two statements

both to the FBI and the Department of Justice?
A Yes.
Q Correct?
A Yes.
Q And you mention that your vision was somewhat impaired?
A Yes.
Q As far as you needing corrective glasses or lenses?
A Yes.
Q On that day, did you have what you needed to make your vision very good?
A No.
Q How would you rate your vision that day?
A Um, from one to ten, I would say like five.
Q Okay. So like me. I could probably read from here to Forsyth without glasses, but up close I cannot see anything, okay. So was your long vision better than up close vision?
A Um, I'm nearsighted, so I can't see far.
Q Okay. You need glasses to help you to see far?
A Yes.
Q Are you pretty confident in what you saw

that day because how far would you say you were away? Let's look at that again. When you first saw it, where were you?

A Uh, probably like right there. (indicating)

Q Okay. About right here. And where were they when you first noticed them?

A About right here. (indicating)

Q Okay. Anyway to judge that in feet or yards, I'm not good at that, but if you can tell us?

A I'm not certain. I would probably be really off.

Q Okay. We got kind of a visual picture of the map that you showed us. Am I getting too close?

No.

Q (By Ms. Whirley) You felt that you were pretty secure in what you were looking at?

A Yes.

Q Even though you need contacts?

A It is not that bad. I can see the big vehicle and how he pulled back like that.

Q Okay, just checking. How about your hearing?

A I couldn't really hear much of anything they were saying, there was a lot of other stuff

going on.

Q You have good hearing?

A My hearing is fine.

Q You don't need assistance to hear well or anything?

A No.

Q Okay. So they back-back, the officer back-back, it looks like they hit them because they jump a little bit and look perturbed and look like, hey, what are you doing, and then what?

A Well, the big dude, Michael Brown, like he got mad kind of, he just went immediately to the driver's window and they got into it. I don't know how it started. I just know he went around to the window and it looked like they was fighting.

Q Okay. Did the little guy seem to be helping?

A No.

Q Did you notice him?

A He was standing there for a while, but once they started fighting, he just ran.

Q Was he next to Michael Brown on the same side of the car?

A Yeah, he was on the same side of the car still at the back of it.

Q They're at the driver's side of the car since they were fighting?

A Yes, ma'am.

Q Did it look like anybody else was in the car with the officer?

A No, I couldn't tell if anyone else was next to the car.

Q You never saw anybody else get out or anything like that?

A No.

Q Now, describe for us why it looked like they were fighting, what did you see?

A Um, it was like his arms.

Q You have to tell us whose arms?

A I'm sorry, Mike's arms are reaching into the car. It looked like some type of struggle cause he was like bobbing in and out like they were doing something. Like I said, I couldn't exactly see what was going on, what they were doing, but his actions looked like there was some type of fight.

Q Could you see the officer's arms?

A Not really. His body was kind of blocking the window.

Q Okay. And you could just see Mike's arms?

A Yeah.

Q So you're standing on this side?
A Yes.
Q And the car is over here?
A Yeah, about.
Q Facing West Florissant?
A So it was a little farther, like right there.
Q So would you have been closer, would your view have been closer to the passenger side of the car or the driver's side of the car?
A The driver's side.
Q Okay. Because the car was going --
A It was facing towards West Florissant and then he backed like a slant going to the left, like right in the middle of the street almost. That's why the cars couldn't go through, he was right in the middle of the street.
Q What other cars did you notice?
A I saw, it was like a black van. I don't know models of cars, but right beside me there was a black van, as far as behind that going down, I'm not sure.
Q Okay. What did you see after that?
A Um, after that I see they were struggling in the window for about, it was not that long, a

couple seconds and then I heard the first gunshot. And that's like, you know, kind of got everybody's attention, people started paying attention after that.

Q How do you know that people started paying attention after that?

A Because his friend, after he ran, you know, he just running around looking at stuff. People outside on their porches, you know, because you hear gunshot over there, especially when it is like right in the middle of everything, so everybody could hear it. You know, people start looking out their windows.

Q You notice this yourself?

A Yes, ma'am.

Q You are kind of looking around at the scene. You weren't just focused directly on the police officer constantly?

A Yeah, that's another thing that throws off some of my details, there's so much going on.

Q Okay.

A Like even the lady in the car that was beside me, she was just like, you know, just looking, everybody just started to pay attention to it.

Q Did you talk to anybody while this is going on?
A I was by myself, I didn't talk to anybody.
Q Nobody was yelling out anything to you?
A Not until the rest of the shots fired, that's when everybody went crazy.
Q The first shot, was the officer in the car when that shot occurred?
A Yes, the officer was still in the car. Michael Brown was still in the window when I heard the first shot.
Q Tell us what happened next?
A After that, he kind of backed up and just looked down at himself.
Q Show us, if you wouldn't mind demonstrating?
A Like, stand up.
Q Like he backed up and was looking at himself?
A Okay. So I heard the first shot and he was just like, his hands was in the car and after that he backed up like, trying to check hisself making sure he wasn't hurt or anything.
Q Could you see if he was injured from your vantage point?

A No.
Q You couldn't tell one way or the other?
A No.
Q Okay. And then what?
A Um, then he kind of stepped back a little bit. I did see something fall on the ground, it sounded metal. So, of course, the first thing I assume was it was a gun.
Q Okay. You thought that somebody had a gun that fell?
A Yeah, at first I was thinking he had a gun.
Q Michael Brown?
A Yeah.
Q Go ahead.
A So the officer got out of the car, you know.
Q This metal object that fell?
A Uh-huh.
Q Did it appear that the officer or Michael Brown or anyone else retrieved that object?
A I didn't see anybody pick it up because at that point was another point when I was looking around.
Q Okay.

A When I did look back, that's when the officer had the gun, he was pointing it at him.

Q Did you notice if that object that you thought that fell on the ground was still on the ground?

A It wasn't.

Q It wasn't there any more?

A No.

Q Okay. You did notice that?

A Yes, ma'am.

Q Okay. So the officer you said at that point when you saw the officer again he was out of the car?

A Yes.

Q And what was the officer doing?

A He was like just standing with the gun facing him and then like.

Q Show us how he had the gun, the stance?

A He was just like, you know, officer, just standing like this. Like he was, you know, going to shoot him, like he did something.

Q Okay. Where was he though and maybe I missed something. Let's go back to the shot went off, Michael Brown checked himself out, was acting like he was looking at himself. Then where did

Michael Brown go?

A He backed up a few steps. At first he tried to run, at first when -- when he first looked at hisself he tried to run.

Q Where was he running to though?

A Back towards the back of Canfield, like back where his friend ran right there.

Q So east on Canfield?

A Yeah, the car was about right here, he ran to about right here. (indicating)

Q How did he get around the car, did he just go from the back of the car?

A He was like next to it so he didn't have to, you know, there was too much turning to go down the street.

Q Okay. And you said at first he tried to run?

A Yeah, he made a couple little steps like a quick sprint, nothing more than like five to seven steps.

Q And then what?

A He didn't get that far. And then he turned around, the officer had the gun pointed at him and then you just heard the rest of the shots.

Q Let me ask something though. Did the

officer like pursue him when he was running away?
A No, I didn't see him run after him.
Q The officer just got out of the car?
A Yes, I saw him standing there. I didn't see him get out of the car.
Q Okay.
A You know, certain things I saw and certain things I didn't see.
Q But when you caught it again, Michael Brown had turned around?
A Yes.
Q Did you see him turn around?
A Yes.
Q Can you show us how he did that?
A Just. (indicating)
Q So like run that way, I mean, or walk that way of however he was doing it?
A Okay. He just turned around like, you know, he put his arms about shoulder length and just stopped, like looking at him. And then, um, that's when I heard the rest of the shots. I heard the first two, I didn't see them. And then when I looked at him, I saw him still shooting him.
Q Okay. So you heard two shots?
A Yes.

Q As part of this set of shots or two separate shots and then a pause?

A No, it was all in a set. It was like in a row like that. (indicating)

Q Okay.

A The first two of them I didn't see. I wasn't looking. The rest of them I was looking straight at him and I saw the actual shots going into him.

Q It looked like the shots were going into him?

A Yes.

Q How could you tell, what was it looking like?

A I mean, I can't tell, you know, I can't really tell. I'm just saying based on him pointing the gun at him and hearing all the pops and seeing the smoke coming off his gun.

Q You saw the smoke?

A Yeah, I saw the smoke and you could smell it like, it was like firecrackers almost.

Q You could smell it from where you were?

A Yes.

Q Was it a windy day?

A I don't remember.

Q Was his arms up the way you showed us when he was being shot?

A Yes, about, like his palms were out facing forward, they were about at his ears, I'd say, like shoulders, about like that.

Q Okay. What did that mean to you to have your arms like that?

A That meant surrender, that meant take me to jail.

Q You thought he was surrendering?

A Yeah.

Q Did you ever see him rush the officer like, you know what I mean by rush?

A Yeah, like he was mad.

Q Was he running toward the officer or charge him?

A I didn't see that.

Q Okay. Did you ever hear anybody ever say anything?

A As soon as the shots got fired, like I said, I was up here by these trees, I was behind a mailbox. I was standing right there after the rest of the shots got fired. His friend that was with him was running around, he was running. He was like here, I guess. I don't know what he was doing. He

was standing with some dudes, he started running around the complex, they shot him, they shot my home boy, he didn't even deserve that.

It was the police that killed him, it was the police that killed him. That is what got the big crowd out there real fast.

Q Just to go back to when those last shots was fired. You thought it was about how many shots?

A It sounded about like six.

Q Did you see Michael Brown fall?

A Yes.

Q Were you watching him then?

A Yes.

Q How did he fall to the ground?

A He fell face forward. There wasn't no pause on his knees or nothing, it was just straight down. (indicating)

Q You didn't see him go down on his knees and then fall, it was just from standing to facedown?

A Yeah.

Q Okay. And then what did the officer do?

A The officer walked up to his body and was standing over him like he was going to get back up. He was just looking at him like, just looking down

at him like, I don't know.

Q Did the officer still have his weapon in his hand?

A He still had his weapon in his hand.

Q Did you notice what he was doing with the weapon or if he was doing anything?

A No, I just know he still had the gun right at his side in his hand. He was just looking down at him, just like walking around him, you know, just like walking a circle around him like. I don't know, it was just strange.

Q So he didn't holster the weapon at that point after Michael Brown was down?

A No.

Q Okay. Show me where you saw the body fall on the map?

A It was probably like right here. Like right there, went a couple steps and fell. (indicating)

MS. ALIZADEH: Can you do that again?

A About right here is where his body was. (indicating)

Q (By Ms. Whirley) Where were you again?

A By this time I was over here.

Q Okay. What did you do after the body

fell?

A I ran in the house.

Q Which way did you go home?

A Back this way.

Q Okay. And again, you live in building?

A .

Q So you went back this way?

(indicating)

A Yes.

Q Okay. Did you see, at the time of the shooting, were there any other police vehicles there?

A No, when he first got shot he was laying there I seen another police car pull up probably about ten minutes later. It wasn't that long after the police car pulled up. So there was two police cars out there, they eventually, I guess they told the cop that shot him to go home because he wasn't out there after a couple of minutes.

Q Did that car that showed up, did it have its head bar lights on too?

A Yes.

Q Did you talk to any police officers or any investigators that day?

A No.

Q How did you come to talk to the investigators?

A Honestly?

Q Honestly.

A I was at home enjoying myself watching a movie and there's a knock on the door, and two big guys with FBI things on. I told my boyfriend to get the door, I don't want to talk to anybody, go get the door.

So he answered the doors and says, I was at work on that day, but my girlfriend was here and saw the whole thing so. Oh, really, can we come inside? I couldn't say no, the first thing he said was just say no. So figure you can't say no to an FBI agent. So, yeah, that's how it went.

Q Okay. So had you told your boyfriend about what happened that day?

A Yeah, I told him because his son was coming over. When she finally did get there, she said, did you know somebody got shot? I was like, yeah, I was just out there.

Q Did you tell her what happened too?

A No, I don't like her. We don't talk.

Q Okay. How old is the little boy?

A He's one.

Q Okay. All right. But you did share with your boyfriend?

A Yeah.

Q All right.

A Because I never, I've never seen anybody get killed. I've seen police brutality firsthand, but I've never seen nothing like that, nobody's life get taken.

Q Did you think this was police brutality?

A Honestly, to me it looked like murder. I've seen the Ferguson police do some really awful things. I've personally myself filed cases against them for them coming into my house and basically beating me up.

Q Okay. Tell us about that?

A Okay. So my boyfriend had got into it with his son's mom.

Q Yeah, baby momma.

A Yeah.

Q Go ahead, we know about it.

A He got into it with her. The two of them were fighting and arguing. I had just got off work. She got off the bus with me so, you know, me and her, why are you getting off the bus and going to my house. It is my son's birthday, you know, I'm just

trying to get stuff for him, don't worry about it. So she walked in the house, they get into it. I didn't tell you could come over here.

So basically they started fighting, he called the police on her. When the police arrived, which was not that, it was like two minutes later, like they was literally parked down the street. When they arrived he was standing in the doorway.

They walked straight up to him, they didn't ask questions, they grabbed him, put him in cuffs, told him to get on his knees. Like how am I going to get on my knees when you're twisting my arm up in the air.

They pushing his face all up on the wall. Me and her are in there crying, he didn't do nothing, he's the one that called you. They dragged him outside.

She was getting ready to leave. So her son, he wasn't even one at this time. He was, where was he. He was sitting on the porch in his stroller, still on the porch. It was freezing outside, snow on the ground.

So they close the front door, left him out there on the porch after they dragged

down the steps.

So they had me and her, and they sat her on the couch. I come out of the kitchen because it is a walk-around bar in the kitchen. So I come around the bar in the kitchen, I'm like, what are y'all doing in my house, why you doing my boyfriend like that. He's the one that called y'all.

Like don't you understand, we had nothing to do with this, we are trying to remove her because we live here.

He was like the B word, don't say nothing to me, this has nothing to do with you, this is a police matter now.

Q They called you the B word?

A Yes. The Canfield security officer, he came in, come on man, these are kids. Don't do them like that. You shut up because this is a police matter, we're taking over this investigation and stuff like that. What investigation. These are kids. They called you for this girl that don't live here.

So I'm like yelling at him, yes, I did get mad. I started yelling at him. I'm like, my name is on the lease. I didn't have nothing to do with this. Why y'all in my house, you tearing it

up and all of this.

Okay. You don't know how to reason, somebody come put her in cuffs. This big huge officer came and put the cuffs on me. He kicked me all over my back and he got cuffs like this, and there was cuts all around my wrist. I had bruises on my body and then they let her go. They let the momma go. She started crying my baby's in the snow.

Q She took the baby?

A She took the baby and walked down the street. They put my boyfriend in the cop car. So I'm in handcuffs walking around the house, so I walk outside. Where's she going. Oh, there she is. Don't you love how they just like to wander around like the walking dead.

I'm out there like, where's my boyfriend, looking in the police car and stuff. So they come out there, he put me in the car and I'm like, what am I going to jail for.

We search your name, you probably have a traffic ticket. I don't even drive, I have no car. Well, we're going to find out when we get down there.

I get down there, they say I have a Metro ticket for the MetroLink. They kept me in

there, I was a manager at this time. I had to open my store at 9:00 in the morning. They kept me in there until 2:00 p.m. They let my boyfriend out at like 3:00 in the morning. Well, he called them.

Q Now, was this officer, you know the officer who is involved in this case, Darren Wilson, correct?

A Yes.

Q Was he involved in any of this that happened with you?

A No, it was another dude.

Q It was another one?

A Big guy with a mustache.

Q Had you ever had any type of altercation with Darren Wilson as a police officer?

A No.

Q How long ago did this happen to you?

A Um, that was probably like March and we had been trying to get some type of justice up until basically this. The security officer at Canfield had everything on tape, like he recorded everything he had taped that he sent to the landlord. He was like, you need to do something. You need to take this to court or sue Ferguson, he's telling her all of this.

Q So, in your opinion, you mention tape, did you tape any of this --
A No.
Q -- shooting?
A At that time I didn't have a phone that could record.
Q Do you know anybody who has a tape of the actual shooting?
A I saw a girl standing out there. It was about that time when he was out of the car, she was recording. She could have got most of the shooting, but one of the officers took her phone.
Q How do you know that?
A I was standing there in the crowd at that point. This was like 20 minutes after the shooting, his body was still laying out there.
Q You saw an officer take her phone?
A Yeah, this was after I ran in house. I put my bags down from the library, I was just basically out there walking and, you know, mingling around with all the people outside. I saw her before I even went in the house, she was standing like, she was standing like right here. (indicating)
Q Okay.

A Her house is right here. She was standing on her porch like over there.

Q Do you know her name?

A I don't know her.

Q Okay.

A That was my first time seeing a lot of these people. But I saw her, she was like, I got the whole thing, she's standing there like, yeah, I got you on camera too. He came over and took her phone.

Q Was it a Ferguson office?

A It was a Ferguson officer.

Q You know the difference between Ferguson and County?

A And the County, yeah, it was Ferguson.

Q It was an Ferguson officer?

A Yeah.

Q Okay. One second. So based on your knowledge of what's going on in the community, how would you describe the relationship between the police and the residence there in Canfield Green.

A From every instance I've been involved with the police, I'm not a criminal. I don't have any record. I don't have any reason to be arrested or brutalized. A lot of people that I know over

there is the same way.

What I see when the police come, it is like instant panic from people. You know, like who called them, why would you call them over here. We don't need them to solve this problem, you just brought more trouble into the area and stuff like that.

And I just see like, I mean, I seen my daddy get beat by the police, I've seen friends of mine will be out, you know, shopping and someone told them we stole something and just get followed by the police cars. I never seen, you know, I don't think he deserves to get killed like that. And that just kind of proves my whole image of what I thought of the police.

Q Which is what?

A They abuse their authority to me.

Q Now, in one of your statements you describe Michael Brown as looking scared when he turned around. Do you recall that?

A Yes.

Q Explain to us what you mean by that. You couldn't actually see his face, could you?

A No, I couldn't see his face.

Q What did you mean he looked scared?

A I mean, you know, when you see a really big dude just kind of cowering.

Q Like stand up for us, demonstrate cowering.

A Okay. If you stop and you are looking at someone and you're, you know, it is cool, you know, I'm all right, you know. And, you know, I don't know how to explain, but when I see a big dude like that kind of looking like he's afraid, like he's like trembling like a child kind of.

Q Do it look like he was trembling?

A Yeah --

Q From that distance?

A Yeah, you know, the way his hands was, they was moving or something. He was just like scared to me, he looked scared.

Q It did not look to you that he was trying to come at the officer when he was cowering or moving his hands?

A No.

Q When Michael Brown fell to the ground, did the officer stop shooting?

A Yes, I didn't hear any more mots.

Q You didn't hear any more shots. Did you hear any shots when Michael Brown, after that first

shot and Michael Brown fled from the car before he turned around, did you hear any shots?

A Like when he was running?

Q Yes.

A I don't remember.

Q Okay. I don't know if I've asked you this already, but when you said there was one shot was in the police car, did it appear that Michael Brown was shot? You said he looked at himself, but you couldn't tell if he was shot or not?

A I couldn't tell if he was shot. He just looked at hisself, like he was checking to see, like he didn't know hisself.

Q Okay.

MS. WHIRLEY: I don't have anything else right now. Kathi?

MS. ALIZADEH: Yeah.

Q (By Ms. Alizadeh) So I'm going to ask you a few more questions just to clarify a few things and you're killing the court reporter because you talk so fast.

A I'm sorry, I work at a call center.

Q I know you were getting excited. And I'm really sorry that you had those experiences. Do you think that Officer Wilson, do you hold him

accountable for the bad behavior that you've experienced or witnessed or that you are aware of other Ferguson officers?

A No, I don't hold him accountable really. I think, you know, like I say with authorities, I think he just got beside himself. Like, you know, it turned into, you know, I'm going to tell you kids you do this, you listen to me, you have an attitude. And then it turned into him just being frustrated, that's what it seemed like.

Q Okay. What I want to make sure, , and because this grand jury is going to consider whether or not to indict the police officer for a crime. And they're examining what happened that day so that they can decide that, and I know that you having had unpleasant or, you know, very bad experiences with police officers, you know, it gives you a bad impression of police officers I imagine.

But, you know, they need just to relate what you saw today. They can only consider, not that they can't consider other things, do you know what I'm saying?

A What I saw, not what I heard.

Q Right. And I want to make sure that we're not bringing all bad police officers behavior into

this picture.
A Right.
Q And you saw what you saw that day and you have an opinion about what you saw that day and that's fine and that's what we're interested in, okay?
A Yes.
Q So when you said you were walking back from the library and you first saw the two boys and I just wanted to clarify, you said that maybe you had seen him once before, were you talking about the littler guy or Michael Brown?
A The littler one.
Q The littler one?
A Yes.
Q In what setting have you seen him before?
A One of the little community stores up the street.
Q Okay. So you recognized him as having seen him up at one of the convenience stores?
A Seeing him up close. Actually seeing pictures of his face up close, I recognized that was his structure.
Q So from where you were standing initially, which was somewhere around here; is that right?

(indicating)

A (Nods head.)

Q And the boys were initially down about here or where were the boys when you first saw them?

A They were about right here. I was like right there. (indicating)

Q And you were about right here? (indicating)

A Yes.

Q So from that distance you could see enough of the smaller boy's facial features to realize that you recognized him?

A Yes.

Q And so now, we know, did you say this Building 1 is the leasing office, correct?

A Yes.

Q And you said that you first saw the officer's car by the leasing office and I want to make sure we're clarifying here, was his car always on Canfield Drive when you saw it or was there ever a time when his car was up here on Coppercreek Road?

A No, it was always on Canfield.

Q Okay.

A The closer it got to pulling in somewhere was when I first approached him all the way back

here, it was somewhere around here. (indicating)
Q Did you see him turn into one of those drives or streets at all?
A He was on this main street, he was about probably like in one of these parking lots. By the time I got right here, he was already up the street.
Q Did you see him come from a parking lot onto Canfield?
A No. When I first was like all the way down, the first side street, I saw him somewhere in like one of the entrances to the parking lots.
Q When you were walking from this direction, did you see any people outside?
A No, I don't remember. I wasn't paying that close attention.
Q Okay. So just to clarify then, you're saying that there could have been, but you weren't paying attention?
A Yeah.
Q It is not that you say, no, there wasn't anybody else?
A Right.
Q All right. But you said that you saw a black van?
A Yes.

Q Was this a minivan type of van or the bigger like?

A Soccer mom van.

Q Okay. Was there a soccer mom in the car?

A Uh, she might have been a soccer mom.

Q Was a woman in the car?

A Yes.

Q Was she an African-American?

A Yes.

Q And can you give me an idea about how old she was?

A Probably, um, 36, 40, between 36 and 42 maybe.

Q Was there anybody else with her?

A I couldn't tell if there was anyone in the back, but not in the front passenger seat.

Q Okay. And the other cars that you said were lining up, you really didn't get a good description of them?

A No.

Q You can't remember anything about those other cars?

A No.

Q And when you first saw the police officer's car, was the police officer's car moving

when you first saw it?
A No.
Q It was stopped?
A Yes.
Q And so you had described that the officer's car backed up quickly?
A Yes.
Q Is that the first time that you saw the officer's car move or did it go forward and then back up from what you saw?
A Uh, no, it just backed up, it went forward first.
Q So the first time you saw the officer's car, it was standing still and were the boys walking away from the car at that point?
A Yes, they was walking.
Q Okay. And then you saw the officer's car back up quickly?
A Yes.
Q Did the tires make noise or did you hear any screeching or any noise from the car?
A Yes.
Q And at this time could you see inside the police car to see who was driving the car?
A At that point when he backed up I did see

him like, you know, with his arm out the car saying something to him like, I don't know, saying something to him. I just saw hand gesture like doing something like that.

Q So you could see that there was a driver in the police car?

A Yes.

Q Could you tell it was a man?

A Yes.

Q Could you tell whether he was African-American or white at that point?

A Yes.

Q Okay. How about anybody else in the police car, could you see if there was anyone else?

A No, I couldn't see if there was anyone else.

Q But you could tell there was a policeman in the car?

A Yes.

Q What about, now, you said you saw the red and blue lights on the top of his car on?

A Uh-huh.

Q Were those always on from the first time you saw the car or did he turn them on?

A From the first time I saw him all the way

down the street the lights was on.

Q The lights were always on from the first time you saw the car?

A Yes.

Q Did you ever see the lights get turned off?

A I don't remember that.

Q Now, you described when you saw Michael Brown come to the window of the car. He went to the window of the car kind of quickly, in your opinion it looked like he was angry?

A Yes.

Q And then you described his hands and shoulders and arms inside the vehicle. And today you said he was bobbing in and out?

A Yeah, it was like, you could see the back of his body, like his shoulders were just like moving, like they were doing something in the car.

Q Okay. Did he ever leave his feet? In other words, did he ever get like to the point where he, you know, jumped halfway into the car or anything?

A I wouldn't remember.

Q Okay. And you said that the struggle lasted a few seconds; is that right?

A Yes.

Q I think in one of your previous statements I think you said about 15 seconds, but does that seem about right?

A Yeah, around that time.

Q All right. And then another thing I wanted to clarify is that while this whole thing is going on, you're moving. At some point you stand still and then you move?

A Yes.

Q Can you narrate for me, I'm not telling you this is what I want you to say, I'm just giving you an example. If you say I'm walking down here and right here is where I see, I see the police car, so I stop right here. And then after the guy starts running, I walk over here. So can you kind of move the laser pointer.

A Yeah.

Q And give us an idea of how you were moving and what was going on while you were moving?

A Okay. So like you said, I did come down this street. I didn't actually stop until I got like to the last tree.

Q Okay.

A That's when I was pretty close enough to

see what was going on.

Q Were you on the sidewalk or the street?

A Yeah, I was on this sidewalk right here. (indicating)

Q That's on the south side of Canfield?

A Yes, ma'am.

Q Okay.

A I saw the police car sitting about here. (indicating)

Q Okay. Keep the laser pointer where you are while you are narrating, okay. So I know where you are when you first see things.

A Okay. I was about right here when I first stop to get a look, when they were at the car. The first shot I was right here. I seen once he got out of the car, kind of started moving towards this way. I was standing about right here in the grass with some people over here. I'm standing right here just listening to them. That's when I heard the rest of the shots. So I hid behind the mailbox kind of and then after that, I just go down here and go home. (indicating)

Q Where were you when you saw his body fall, were you behind the mailboxes yet?

A Probably about right here in the grass in

this area. (indicating)

Q When you said you went behind the mailboxes, I don't know what the mailboxes look like, did you go behind there for shelter, like to get out of the way?

A Yeah, I hear all of those shots, you know, I went over there.

Q Okay. And so are those mailboxes, what are they like, are they metal?

A Yes, ma'am, they're metal.

Q How tall are they?

A From the ground, they're about this tall. (indicating)

Q I'm a little over 5 foot and I've got heels on, so let's say today I'm 5'4".

A On the ground there about this tall, I can reach up and touch the top.

Q So that's maybe about 5 foot high?

A Yes.

Q And is it a solid box with little mailboxes in it?

A Yes, a solid long box with just a whole bunch of little doors.

Q If you are standing behind the mailboxes, does the mailboxes block your view of where Michael

Brown's body fell?

A No, I'm standing completely behind them.

Q Yes, okay. But you saw Michael Brown's body fall?

A Yes.

Q You weren't behind the mailboxes?

A Not completely behind it, you know, just kind of look around it kind of, like right here.

Q Okay.

A No cars right there, there is no cars, you can see all the way down to right almost right here on the street.

Q This white rectangle here that I'm pointing at in front of this row of cars, these are mailboxes?

A Yes.

Q Okay. And so were you on the west side of the mailboxes when you finally got behind the mailboxes?

A Oh yeah, back here. (indicating)

Q Okay. Can you people see what I'm pointing at right here, the mailboxes?

But you were able to see everything until about, including when Michael Brown fell on the ground?

A Yeah.
Q And then you also describe that you saw the officer walk up to the body and kind of walk around it with his gun at his side?
A Yeah.
Q So were you behind the mailboxes at that point peeking around or were you still out in the open?
A I was still at this point just looking around until everything was over and people started coming outside and I went in the house.
Q Okay. And now you said today that when Michael Brown turned around and he put his hand up and you demonstrate that, that he looked like he was scared; is that right?
A Yes.
Q When you saw that, were you over in this area when he turned around?
A Yes.
Q Okay. And you described him being where when you saw him turn around?
A Um, about right here. (indicating)
Q Okay. So just so I can help with trying to understand things and with trying to get you to understand things, are there, when he turns around

and he gets shot, does he ever move backwards or forwards after he turns around?

A I don't remember that specific.

Q Do you remember telling the investigators that you saw him taking steps backwards?

A Yes, after he ran, he moved a couple steps with his hands up.

Q Yes?

A Yes.

Q He runs a few steps and he turns around and he puts his hands up like next to his ears?

A Yeah, and takes like some short half steps.

Q Backwards?

A Yes.

Q So what's the furthest point backwards that he walks?

A He doesn't take too many backward steps. The most move he made was running about here. He didn't get much farther than this area. (indicating)

Q Okay. Now, eventually when he was shot and hit the ground and his body laid there for quite some time, is that where the memorial is now on the street?

A Yes.

Q And so can you point on the map where the memorial is?

A There's one right here by the Ferguson apartment complex, one right here and one at the end of my street and there's one on the street right here where Canfield ends.

Q Where the word Canfield is?

A Yes, memorial right there.

Q Okay. So where the body laid and where the memorial is, that's the farthest east that you saw him get?

A Yes.

Q Okay.

A They kind of built the memorial on top of the blood stain that was there. So that's where he was.

Q So you never saw him from the farthest point that he was east, you never saw him move toward the officer?

A I didn't see him move toward the officer. He could have, but I didn't see him do it.

Q So this would have been when you were kind of over by the mailboxes?

A Yes.

Q And would you have been like peeking out

or whatever?

A Yes.

Q And you also said today and in previous statements that, you know, you were kind of at that point noticing that people were kind of coming out and milling about?

A Yes.

Q So you were taking your eyes off of what was going on a little bit?

A Yes.

Q Now, you said that you saw a woman come out and say that she had videoed this on her phone?

A Yes.

Q Where did you see her when she came out?

A When I first saw her she was standing right here in front of her apartment complex. After I had went in the house and came back out, she was over here with a big group of people over by the apartment right here.

Q Okay.

A That's where I thought he took her to take her phone, she was standing like right here, still in front of her building. (indicating)

Q Okay. So you think she lives in

A Yes.
Q Do you know that?
A I don't know that.
Q Why do you think she's lives in that building?
A She was standing on the balcony of, I know the man that lives there, I know she was standing on the balcony with them.
Q You don't know her name?
A No.
Q What about the man that lives there, do you know his name?
A No.
Q If somebody, could you point to what balcony it was?
A Yeah, I can point to what balcony it was. If I saw him on the street, I would know him.
Q Okay so was the gal an African-American?
A Yes.
Q About how old?
A Probably her 20s.
Q Have you seen, after this happened, have you seen people on the news who came forward who said they saw it and describing what they saw?
A I did.

Q Did you ever see that girl, the one who the officer took her phone, did you ever see her on the news?

A No, I was expecting to see that video, but I didn't.

Q Okay. Now you describe when you said Michael Brown turned around and you said it looked like he was scared and today you used the word cowering. In previous statements you said it was like he was crouched over.

A Yes.

Q On your recording from previous statements we can't see what that means because it's an audio recording. But you demonstrated today, and XXXXXX was in between you and I so I didn't have a good look at it. Can you describe or demonstrate what you meant when he was crouched over or cowering.

A Okay. It was like his hands were about like this. (indicating)

Q Can you stand up? He was standing up at this point, right?

A Yes. His shoulders were like almost touching his hands, um. No, that's kind of like the stance for self-defense to me. So that's how I said crouched over.

Q And so before when you were talking to the FBI agents and the assistant U.S. attorney, remember the guy with black hair that you talked to, the attorney?

A Yes.

Q Okay. And you said to him that Michael Brown was kind of crouching over and it sounded to me like maybe you were trying to demonstrate it and you said, so kind of bent over?

A Yes.

Q When you demonstrated it to them, was your body bent over in any way?

A Yes, neck kind of bent forward, shoulders going inward.

Q Okay. How about at the waist. Would the body be upright or is the body bent over?

A No, the body is upright.

Q Body is upright?

A Like from the forearm up is kind of what I meant.

Q Kind of like shoulder slumped?

A Yes, like, you know.

Q Okay. Okay. And just to be clear, from the time after you heard one gunshot while Michael Brown was at the vehicle.

A Yes.

Q And then you see him run. Does the officer fire at Michael Brown while he's running away?

A That I don't remember. I wasn't paying attention at that point.

Q Okay.

A It is from the time that the officer got out of the car from the gun, or whatever it was on the ground being picked up or whatever, that part I'm not sure.

Q Okay. And just to be clear, you said from the gun being picked up off the ground, but you don't know for sure what was on the ground; is that right?

A Right.

Q It was black?

A Yes, it was black. It made like kind of a plastic metal clink when it hit the ground. That's all I know as far as the shape and what I know exactly.

Q Did you see any yellow on it, was it black and yellow?

A I didn't see any yellow.

Q It looked like it was all black and about

the size that a handgun would be?
A Yes.
Q You didn't see who picked it up, you just know that later it was gone?
A Yes.
Q Okay. Did you see, as the boys were first walking toward the car, after the officer backed up and the boys approached the car, did you see anything in Michael Brown's hands?
A No.
Q Did you ever see Michael Brown hand anything to the little guy?
A No, I wasn't paying attention.
Q Okay. So just cause you were kind of talking softly, you said, no, you weren't paying that close of attention?
A Yes.
Q Okay. And so after the first gunshot and Michael Brown backs away, kind of checks himself out looks like and then he starts to run away, you say he gets a few steps before he turns around, did you hear any shots before he turns around?
A I don't remember.
Q Okay. And then after he turns around and puts his hands up, and you said in your statement

and today, you said he took a few steps, half steps backwards?

A Yeah, just like a little shuffle.

Q Okay. And then did it appear to you that he had been shot at that point, could you see?

A I couldn't tell, that was too far for that.

Q Okay. And then you heard several shots in a row after that?

A Yes.

Q And then after those several shots in a row, was there another series of shots?

A Um, after, while his body was out there, but it wasn't.

Q I know there's been people who said there were gunshots going off in the complex, but I'm talking about from the officer?

A No.

Q Okay. So the one in the car or at the car, and then several shots after Michael Brown had turned around and that's all the gunshots you heard?

A Yes.

MS. ALIZADEH: I don't have anything else.

MS. WHIRLEY: Questions?

. I'm

trying to get some idea on this distance here. If we can probably put it in terms of car lengths, like a four-door vehicle, can you picture that in your mind?

A Yes.

: Okay. Now, when you started off, when you saw the officer's car, can you give me an idea how many cars, 4-door cars can fit between where the police officer's car is and where you are when you first see him?

A Okay. It will be about probably four or five car lengths.

: Okay. Four to five car lengths, okay.

A Yes.

: Okay. And then when you got to, were you still at that point when you heard the first shot go off?

A Yes, ma'am. When I heard the first shot, I was still by the tree.

: Okay. Then when you're at the bank of the mailboxes, okay, are you still, okay, where are they then?

A They're still in the same place about right here. They're still in the same area.

(indicating)

: Okay. And so from there to where they are, about how many car lengths would that be you think?

A From where I was to the police car? From where I was here to the police car?

: Yeah.

A I was closer, I was probably about two or three car lengths.

Two to three car lengths. And then at that point you're there about two or three car lengths, at that point that's when you see Michael Brown, you see the other bank of shots or the other shots go off?

A Yes.

: Okay. I think that's all I have.

Okay. On August the 16th, your interview when you told the authorities that you were walking home from the library, you first said that you saw the police officer back-back, you know, not hard but --

A Quick.

: Quick stop and almost hitting the boys?

A Yes.

: I call them young men. You said that, okay, what I need to understand, cause you are on the same side as them, right?

A I'm on the opposite side of the street.

At the time when you saw the police?

A Yes, during everything I was on the opposite side of the street from the police car.

: Opposite side would be --

A This side of the street. The car was on this side of the street, parked about right here at first. (indicating)

: Okay. Let me rephrase the question, you are so right. You are facing the same side as you are facing to the back of everything that's going on.

A Yeah, well, I'm facing towards the front of the police car, but I'm facing the back of the police officer, but while he was getting shot, I was still facing toward Michael Brown.

: Right. My point is, when you saw the action going on at the car and the vehicle, I call it MB and PO, police officer. Did it look to you when he came back at that quick stop,

even though they may have almost gotten hit, you know, and they jump back, how soon would you say that the action between MB and the PO took place?

A How soon did he walk up to the car window?

: Cause when you say walk up to the car, I'm thinking somebody almost got hit, it's like it's right here, I mean, it is like instant, it is right directly in front of me?

A Yes.

: It would be like boom, boom, you know.

A Uh-huh.

Just a jerk more than not jump far back.

A Right.

: But when you say walk up to the police car, did he have to like walk some feet?

A No, just walk from the back of the car to the driver's window. It wasn't like a walk, it was just like, you know, probably like three steps. He was already there by the car. He just walked from the bumper to the driver's window.

: How soon did the conversation that you did not hear take place?

A How soon after he backed up the car?

: Yeah.

A Um, like less than five seconds. It was like instant after that happened, he just charged right up to the window, he just went right over.

: So, and you said that you saw his body waist up in the car?

A About his arms, shoulders right here like, you know, somebody reaching, he's reaching in there. Like they're in there fighting, he's reaching for something but he's doing something in the car.

: His head and chest was inside the vehicle too?

A His head was in the vehicle at one point reaching in.

On August the 16th you never mention that his body was inside the vehicle, but on September 25th you mention that his body was inside. You just said that it was his arm, it looked like they were fighting.

So I'm just confused because like that's a big gap, that's almost like a month after you had your first interview. Did you like hear anything on television or hear anyone in the neighborhood talking about, you know, what they actually saw?

A No, it was just what I remember. It might be off, but it was like a grapple, you know, head bobbing and shoulders moving, arms moving.

: Okay. Thank you.

: . Continuing on that same thought. You know the car backs up, nearly hits Michael Brown and Dorian. You said Michael Brown makes his way almost immediately, five seconds or so, to the driver's side of the car.

Can you tell from your perspectives were there words exchanged first, or was there kind of immediate action with the arms?

A I couldn't tell.

: Okay. Thank you.

: When you moved from the tree to the mailbox, were you walking or running at that time?

A It was a mix, kind of like a jog almost I say.

: That's a pretty good distance, that's 50, 60 feet maybe?

A From the tree to the mailbox?

From the tree to the mailbox?

A It's not really far when you are there.

It is not even this little amount of trees, I think there is another one right here and there's another one right here as well, that's not on this map.

: Is that the picture, you are watching the ground as much as maybe you are looking back at the scene too, so you're not seeing everything?

A Yes.

: You are concentrating on moving.

A Yes, that's what I stated earlier as well.

: Did you make it to the mailbox before you heard the shots or was it as you were moving that you were hearing shots?

A It was while I was there. At this point I was kind of on the edge right here when the rest of the shots rang out.

: You had already stopped.

A Yes.

: And turned around and were facing him?

A Yes.

When you saw Michael Brown turn around, you indicated earlier that you couldn't identify any facial expressions.

Could you tell, and you said clearly that you couldn't hear anything. Could you tell whether he was saying anything or not?

A No.

: Or trying to say words?

A I wouldn't be able to see his mouth moving or anything. I wasn't really listening for him saying anything.

You didn't see his mouth moving?

A I can't see his facial expressions.

: So you didn't hear anything or you couldn't see anything?

A No.

Okay. Thank you.

: I just want to go back to what were talking about.

When I look at the transcript from September 25th, and I compare it to the transcript from August 16th, to me it looks like you are saying something very similar.

From the 16th on page 15, it says he approached the window of the vehicle, Mr. Brown, he approached the window of the vehicle. Could you

tell if he reached in or the officer reached out. I don't know.

And then you said, yet like his head and shoulders were. And the FBI agent says, his head and shoulders were in the window. And you said, yeah.

Were his arms in the window as well. You said yeah, his arms basically, you know, steady reaching in. His whole top half in the window and popping back out?

A (Nods head.)

: And then the one from the 25th, basically to me it looks like you are saying the same thing. I want to make sure that I'm reading this correctly.

A Okay.

: When he saw him go into the window, it seemed like he just ran. And then one of the lady officers, she says, was he in the window or parts of his body inside the window. And you said yeah, like his head and shoulders were. And you said yes, that's what it looked like.

And then later you said you saw Michael Brown, you said his whole top half in the window and you said yes, just about.

I want to make sure I'm understanding.

A Yes.

: His head, shoulders and arms were in the window?

A Yes.

: And that's what you said in both statements.

A Yes.

: You said here, did you see the police officer's face after Michael Brown left the scene and the officer was getting out?

A After Mike Brown left the scene?

: After Mike Brown was running away and the officer got out of the car, did you see the officer's face?

A No, no.

: You didn't see if it was bruised or anything?

A No, I couldn't tell. I didn't even see him really get out of the car. When I looked up he was already out.

: Do you know if Michael Brown reached for his chest or under his waistband?

A I don't remember.

MS. ALIZADEH: His own or the officer's?

: Michael Brown.

A I don't remember.

: In one of the statements the first two shots you didn't see?

A A couple of them I wasn't looking, but I heard them ring back, to back, to back. After it had to be like, I don't remember exactly, but they were back to back. After about the third one, I did look and see.

: And you said to officer or district attorney, whatever her name is, , in one of your statements that you had looked away. And she said, if I told you we had evidence that he moved forward toward the police officer, what would you say about that. You said that might have been one of the times I was looking away.

A Yeah.

: So I understand, you're doing very well by the way, there's a lot going on, you are scared?

A There was a lot going on.

: I understand, Hon. I just want to make sure just because you are saying you didn't see it, doesn't necessarily mean it didn't happen.

A Right, right, that's the point I tried to make.

: Okay. You said today that you felt like this was murder. Can I ask you how you felt, I want you to put yourself in the officer's position. I want you to tell us what you think he should have done?

A Okay. I mean, even if I heard that people said that he reached in the truck, even if he did attack you, he was unarmed. I feel like at the point he tried to surrender, he could have put handcuffs on him. They could have maced him, that's why they have those nightsticks, that's why you have all these other options.

This is a boy who has no weapons at all, you exhaust your other options. Injure him, but why kill him.

: Thank you so much.

MS. ALIZADEH: I have a question. I can't remember from your previous statements, but you've never heard the officer yelling any commands or anything, did you?

A No.

MS. ALIZADEH: Your hearing is okay?

A It's okay.

MS. ALIZADEH: This thought just now occurred to me because you are a young person. And I've never asked anybody else, but did you have headphones or ear buds that day as you were walking back from the library?

A No.

MS. ALIZADEH: Kids walk around with headphones on, so you didn't have anything in your ears?

A No, I just wasn't really, I mean, it was a lot of noise, a lot of commotion. It's usually a lot of noise over there. So if they weren't where they were, I probably wouldn't have heard it.

MS. ALIZADEH: You didn't hear any screaming from anybody?

A No, I wasn't paying attention to it.

MS. ALIZADEH: Okay.

A Like I said, it's a possibility they could have been, but I didn't catch anything or anything I would remember word for word.

MS. ALIZADEH: All right, thank you.

I have one more question. You said that you saw something hit the ground, you thought it was a weapon?

A Yes.

: And I understand now we know that Michael Brown was not armed?

A Yes.

But at the time we didn't know that, correct?

A Right. At first I thought it was his gun, like I thought that's what hit the ground.

: So it is reasonable to think the police officer might think he has a gun. I'm not saying that he deserved what happened to him, we just didn't know that?

A Yes.

: Thank you.

. You just stated to the prosecutor that you never heard the officer yell out any commands. When Mr. Brown was, you know, shots were going towards Mr. Brown, the last what six shots or whatever, did you at any time hear him cry out anything or cry out even in pain?

A No.

: No.

MS. ALIZADEH: Anyone else? Sheila?

MS. WHIRLEY: No. That will conclude the testimony of this witness.

(End of the testimony of)

MS. WHIRLEY: We're still working together. It is October 28th, 2014, approximately 11:21 a.m. We've concluded the testimony of . Now we're going to start with the recording of . You have transcripts of that. The Grand Jury Exhibit Number 55, which is the recording for her. We will play that. We are anticipating she will be here as a witness probably after lunch. It is somewhere around 30 minutes long. With that said, XXXXXXX, stop the recording.

: Who are the other people listed on here?

MS. WHIRLEY: We didn't do these transcripts. I'm not sure how, why all of these folks spoke. This is what I did notice and you will notice it when you hear the transcript, hear the recording, there are several people at the house. I'm glad you asked that question. Actually, there are several people at the house, and then they kind of isolate and the bulk of the testimony is from her, but a few other people are speaking.

: They may be family members or bystanders?

MS. WHIRLEY: People that are in the house when the FBI arrived there to find out what happened. And then, I guess, they narrow her down as really the witness. Okay. Good question.

(Playing of the interview of .)

MS. WHIRLEY: That concludes the recorded testimony of We do anticipate that she will be here this afternoon, however, we are going to break for lunch now. We'll see if your lunch is here, first of all. And it is 11:55 a.m., October 28th, 2014.

(Lunch recess taken)

MS. WHIRLEY: I'm Sheila Whirley. We are resuming our afternoon session in the shooting of Michael Brown. It is October the 28th, 2014, at approximately 12:56. Kathi Alizadeh is present, all 12 grand jurors are present and so is XXXXXXX, the court reporter. We are going to start with our first witness, .

As you recall, you listened to one of her statements this morning before lunch. She's here live for testimony and she did also meet with the federal investigative parties this morning. So she has another statement that we don't have for you

yet. So we will see what she has to say today.

, of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q Hi, as I introduced myself a little earlier, I'm Sheila Whirley.

A How you doing, Miss Whirley.

Q I'm good dear, thank you. You met Kathi Alizadeh, the 12 grand jurors are here, XXXXXXX, the court reporter, is here and I want you to introduce yourself to the grand jurors and spell your name, please?

A Yes. My name is .

.

Q Okay. And you know why we're here today?

A Yes, ma'am.

Q I know you talked to several people. How many interviews have you given?

A Well, two.

Q Two, okay. And do you recall when your

first interview was?

A Uh --

Q If I say August the 16th, like a week after, a little bit earlier than, I guess, a week after, does that sound right?

A I want to say it was probably before that. It could have been before then, it could have been that day.

Q It could be August 16th, kind of around like 11 in the morning?

A Yeah.

Q And then you had another interview today; is that correct?

A That's right.

Q That you finished?

A This morning.

Q This morning. Okay. We just need you to tell us what happened, so that's basically what we're here for. I'm going to ask you to start at the beginning. This would have occurred August the 9th of 2014, on a Saturday, is that how you recall it?

A Yes, ma'am.

Q Do you live in Canfield Green?

A No, ma'am.

Q Did you live in Canfield Green that day?
A No, ma'am, I was riding through.
Q You were riding through. So what did your morning start like, tell us about it?
A Well, actually, I was up early morning, I was going to make a store run, but I also stay in the area on .
Q Where is that in relation to Canfield Green Apartment?
A Actually, it is not that far, it is like, it is like down the street and around the corner.
Q It is like off West Florissant or behind Canfield Green?
A I will say before you get to Canfield.
Q Okay.
A It's a house on the other side of Solway and West Florissant. It is a side street you can take to get to the Canfield.
Q Is it Jennings or is it in Ferguson or is it unincorporated?
A Well, my house was the last house of Jennings, so I would say it is --
Q So Jennings?
A Jennings.
Q Okay. So what time of day is it that

you're driving through Canfield Green Apartments?

A That I couldn't say. I honestly forgot what time it was, but I was riding through coming from the store and I seen a friend, I was going to visit a friend, but he wasn't at home. So I seen a couple of people that I knew outside and stopped to ask one of the guys for a cigarette.

Q Are those all people that live in Canfield Green, your friend and the other people that you saw?

A Yeah, but my friend wasn't there.

Q All right.

A I didn't see him at all.

Q If I tell you it was around noon or so, does that sound right?

A Yeah.

Q Where did you come from? I mean, this is West Florissant over here just to orient you to the map.

A Okay.

Q So where did you come from?

A I was, I came the back way through the Northwinds Apartment.

Q So you're traveling, is it east on Canfield toward West Florissant?

A Toward West Florissant.
Q That's a laser pen, it has a red light. If you push the button, so why don't you pick that up and there's a little button right there and, yeah, okay. So show us how you were traveling?
A Okay. I was coming down Canfield.
Q Uh-huh.
A And I had stopped, this is a driveway before you get to Coppercreek.
Q Okay.
A I pulled in there and I got out of the car, I was talking to a friend.
Q And is this before everything happened?
A Before everything had happened.
Q Were you riding alone?
A Yes, I was.
Q What kind of car were you in?
A I had a .
Q What color?
A Burgundy.
Q Burgundy?
A I saw a friend, I got out and asked him for a cigarette. He was just sitting there, we was just talking in general. And as we was in the midst of talking, Mike Brown and his friend was walking

across the lot.

Q Which way were they walking?

A They was walking towards --

Q Show us on the map if it is on the map.

A They was walking down Canfield on the lot by the trash cans, they crossed and then they walked down the street. I don't know where they was going, I can't say.

Q Okay.

A So they walk towards West Florissant.

Q Okay.

A I can say that, don't know where they was going.

Q Okay.

A So we just out there generally talking.

Q So when you saw them walking towards West Florissant, nothing was going on then?

A Was nothing going on.

Q Did you know Mike Brown before this day?

A No, I didn't.

Q Did you know his friend?

A No, I didn't.

Q Describe Mike Brown so we know we are talking about the same person?

A He was a big, tall, heavy set guy. He had

on like some khaki type shorts with like a gray like T-shirt and flip flops, he had a hat on.

Q Okay. Do you remember the color?

A I'm not for sure.

Q Okay. And what did his friend look like?

A He was dark skin with dreads, he had on, I think he probably had on like a white T-shirt.

Q Are you guessing or is that what you recall?

A Well, I'm guessing. I really wasn't paying no attention.

Q Okay.

A What really they had on.

Q You don't have to guess.

A All right.

Q If I ask you to give me an approximate amount feet or something like that is a distance, maybe as long as you let us know you are kind of guessing.

A I was at the dumpster that's on Coppercreek that I'm standing by. When they walk past, they was like a little distance away from me.

Q Show me again where you were when they walked past?

A This, I don't know where directly

Coppercreek is.

Q This is Coppercreek is going all the way around.

A The dumpster is like right here on the first parking lot.

Q Okay.

A My car was parked right behind it, but I was standing not that far from the dumpster.

Q So you are having a smoke, you're talking, you're chilling, this is a Saturday, you're enjoying life, right?

A Yes, ma'am.

Q I saw your testimony or read it on the transcript where you were happy to be out there?

A Yeah, it was a beautiful day.

Q Is that what you meant by that?

A Yeah.

Q Then what?

A So we was out there talking, notice Ferguson was coming from the back, from the Northwinds Apartment.

Q When you say Ferguson, you mean a police officer?

A Ferguson police officer was coming.

Q He was in a marked police car?

A Yes, he was in a SUV.
Q And why did you notice him?
A I mean, because we was all standing on the parking lot and they was coming.
Q When you say they, more than one?
A There was two in the car.
Q But just one car?
A Yes, SUV.
Q And tell me again why you notice the car?
A Because they was riding through. And, I guess, that's their way of making their rounds or whatever. So I really didn't pay no attention, but in the midst of that I guess Mike Brown and his friend, not guessing, they was on their way back up.
Q Which way were they walking down?
A They was coming back towards, like they was coming towards the Northwinds Apartment.
Q Show me?
A They was coming back that way. (indicating)
Q All right. And the police car, did it have its light on or anything like that?
A No, it did not.
Q Was it like driving fast --
A No, they was like --

Q -- or like patrolling?
A Like patrolling.
Q All right. So Mike Brown and his friend are walking east on Canfield Drive and what happens then?
A They was walking in the middle of the street.
Q Okay.
A I didn't hear what the police had said to 'em or what the remark was, but they was in the middle of the street. I want to say the guy, his friend was, we didn't stay that far, I heard him say, we didn't stay far.
Q You heard the friend say that?
A I heard the friend say, we didn't stay that far.
Q We didn't stay that far?
A Right.
Q Don't know what was going on with that?
A Don't know what was going on or what was said.
Q Did you hear Mike Brown say anything?
A No, I didn't.
Q Did you hear the police officer say anything?

A I didn't hear anything.

Q Now, I need you to show me again where you were when you heard his friend say, we didn't go that far or what he said?

A I was standing like right in the parking lot, I was still standing like, not that close from the dumpster.

Q Okay.

A And they was sort of walking like in the middle of the street.

Q So where were they when you heard it?

A Right up in there. (indicating)

Q Where was the police car, right next to them or something?

A It is like right next to 'em, they like in the middle of the street, right in the middle of the street.

Q Okay.

A He pulled up like, they divide each other. They in the middle walking up the street, the police coming down, of course, they like split up so the car can go through.

Q Okay. So you saw them split up, they were on either side of the police car?

A Yes.

Q What side of the police car was Mike Brown on?
A On the driver's side.
Q What side was Dorian?
A The passenger side.
Q So they were on opposite sides of the car?
A Yes.
Q Was Dorian talking to anybody on the passenger side?
A Huh-uh.
Q Okay. And then what did you see?
A I seen the police pull off and then next thing you know, he pulled back.
Q In what manner did he pull back, was it quick, was it just normal, was there anything noticeable about how he pulled back?
A Wasn't noticeable.
Q So he pulls back?
A Pulls back.
Q Does he pull back straight in a line or some other way?
A I want to say straight back in a line.
Q So like if I'm going to back, he just went straight back, he didn't move one way or the other?
A No.

Q Okay, go ahead.
A So as he pulled back, I guess that's when he went to go and try to grab him.
Q Did you say you guess?
A Well, no, he grabbed, he went to go and grab him, that's when they start tussling.
Q So the police officer pulls back and grabs Mike Brown?
A Yes, and they was tussling.
Q Could you see the officer's arm?
A He grabbed him from the outside, just grabbed him.
Q I want to kind of focus on what you saw. Did you see the officer's arm?
A No, I did not.
Q You didn't see the officer's arm, but he was grabbing him?
A Like I say, I just seen a little altercation. I didn't know if he was, oh Lord, excuse me, I got nervous.
Q Don't get nervous, we're just trying to find out what you saw.
A They was tussling I, can say they was tussling. I didn't see his arm or anything.
Q You didn't see the officer's arm?

A No.
Q Could you see Mike Brown's?
A I did see him shy back, like he went to go and jump back.
Q Okay.
A And that's when we first was like what's going on. Then, that's when we heard the first shot.
Q Okay. Now, before we get to the shot, I want to make sure I understand. Can you see, where you are looking at Mike Brown and the officer, because all of this is real important, and I know you probably know this because that's why you had these interviews.

When you see Mike Brown and the officer and you believe they're tussling, are you looking, is your vision at the passenger side of the car or the driver's side of the car?
A The passenger side.
Q Okay. So you're standing here and the car is going west, so you're at the passenger side and the driver's side --
A On the left side, so I really couldn't see. So, therefore, when they was on the passenger side, he grabbed back, that's when the first gunshot

went off.

Q Right. I know you want to get to that gunshot, but I really want to make sure that we're clear on your vantage point, you know, like where you could see it, like where you were.

A I was standing right by the dumpster.

Q You can see Dorian still?

.

Just to help us a little bit, we don't know where the dumpster is. Can you mark that on there for us, please?

A Let's see. It may not even be on the photo I don't think. I don't want to do it wrong. There's another parking lot. I want to say it was like right up here, dumpster right here, dumpster right here. (indicating)

: You were right next to the dumpster you said?

A I was like right up in there by the dumpster. (indicating)

MS. WHIRLEY: Where are they when you saw them, like you said, tussling?

A This is Coppercreek, this is Canfield, here is the tree, they was like right up in here. (indicating)

MS. WHIRLEY: Okay.

A Like right up in there. (indicating)

: Thank you.

MS. ALIZADEH: Can I ask while you were standing up there. I couldn't see around you, use the pen and where is the dumpster? No, just sit down if you can.

A It is, I need glasses, it is right there. (indicating)

MS. ALIZADEH: Good, all right, I just couldn't see.

Q (By Ms. Whirley) Now, we've got to ask you about your vision.

A I do need glasses, excuse me.

Q What do you need glass for?

A For?

Q To see far way?

A Yes, ma'am.

Q Do you need glasses like me to read up close also?

A Yes.

Q Do you wear glasses?

A I don't have them, but I do.

Q Do you have contacts instead?

A No.

Q So you need help with your vision, but you don't have any?
A No.
Q Okay. So that particular day were you wearing anything to help your vision?
A Huh-uh.
Q But you did need some help?
A I mean, it was light so.
Q You were okay?
A I was okay.
Q So you're pretty firm and secure about what you saw you are telling us about?
A Yes.
Q Even though your vision is not perfect?
A Yes.
Q How about your hearing?
A Fine.
Q No problem with the hearing?
A No problem.
Q Don't need an aid or anything?
A No.
Q Okay. You know, I'm going to ask you, do you think you were as close to the scene where the officer and Mike Brown were tussling as this room depicts or was it much further than this room?

Like from where you are, I start walking, is it beyond this wall, how close you were to them?

A Yeah.

Q Okay.

A There was the street and the dumpster was kind of a little ways.

Q So it was a pretty good little distance?

A Yeah.

Q But you see?

A But I could see.

Q And you're sure of what you saw?

A Yeah.

Q Now, you did tell us today that you weren't sure what they were doing in the car, but they were tussling?

A They was tussling.

Q At one point you thought that the officer grabbed Mike Brown?

A When he pulled back.

Q When he pulled back, did he grab Mike Brown. Are you sure or unsure about that today?

A I'm sure he pulled back.

Q When the officer pulled back, you mean backed the car up?

A When he backed the car up.
Q He grabbed Mike Brown?
A Yes.
Q That was the first physical thing that happened? Is that a yes?
A Yes, ma'am.
Q So how did he grab him, where did he grab him at?
A Like by the shirt, like the neck collar part.
Q So was the car window down?
A Yes, it was.
Q So did you see his arm?
A When it went out the window.
Q Uh-huh.
A Yes, ma'am.
Q Okay. You weren't clear on that earlier.
A Yes.
Q So you say you did see his arm?
A When he went out the window.
Q You could see, what color was he?
A He was white.
Q He was white. He didn't have --
A Uniform.
Q I mean, did he have on a uniform?

A Yes.

Q Long or short sleeve?

A Short sleeve.

Q Okay. And he grabbed him and what happened when he grabbed him?

A That's when the tussling started, and that's when the first pow went off.

Q Did you see them tussling once the officer grabbed him, there was a tussle?

A There was a tussle.

Q How long would you say that tussle went on?

A It wasn't long. It wasn't long at all.

Q Seconds, minutes?

A It was probably, maybe like two minutes.

Q Okay. We know that's a guess, correct?

A Yes.

Q All right.

A I'm not going to be --

Q Did you see Mike Brown hit the officer?

A No.

Q Okay. Did you see him with his fist, did you see his hands?

A It was as if he was trying to get away.

Q Show us what you mean?

A He was like, when the police grabbed him, it was like as if he was trying to, like break away from the police.

Q Okay. So you didn't see his hands inside the police car?

A No, ma'am.

Q You didn't see him, his body inside the police car?

A No, ma'am.

Q Okay. So then what did you see?

A When the police grabbed him by the neck, he shied away from him, that's when the first shot went off. His friend Dorian ran and hid beside a black Monte Carlo that was also parked on Canfield in front of an apartment building. Not that far, like right up in here. (indicating)

Q Okay.

A He hid right here. That's when Mike Brown, on the first shot, he turned around and ran. I was trying to run and there was another lady who was also coming out of her apartment was in the midst of running.

Q Did it appear that Dorian was hit by that first shot? Not Dorian, Mike Brown, was hit by the first shot?

A Yes, ma'am.
Q Why do you say that?
A Because when he turned around, I seen a red spot on his shirt.
Q Now, you are pointing to your upper right?
A He got shot up in this area. (indicating)
Q Are you saying the right or the left?
A When you turn around, I want to say might have been on the left.
Q I don't want you to guess.
A The left I will say.
Q Are you sure about that?
A Yeah, I'm sure.
Q Okay. And you saw a red --
A Red spot on his shirt.
Q Okay.
A And that's when he stopped and when he stopped.
Q When you say he stopped, did he stop right at the car?
A No, he stop, actually, like it's like a light pole and a tree. He stopped right there at that tree and the light pole.
Q We have to kind of take it step by step, I know you are getting tired of all of this, but

that's how we have to do. I tell us how far he got away from that car when he stopped, did you see him leave the car.

A When I seen him break away from the car, he was running. That gave me the assumption that I was going to run.

Q Okay. What did he do when the shot was fired, did he just break and run?

A He broke and run, but he stopped, he stopped in stride.

Q I want to know about him running though, where did he go behind the car?

A No, he didn't go behind no car.

Q What did he do?

A His friend ran behind the car.

Q Where did Mike Brown run to?

A He ran towards the light, he was running like towards the light pole, like towards my direction.

Q Okay. The dumpster you show us was here?

A Yeah, and he was running like towards that way.

Q So in the grass?

A And he stopped his stride and stopped right there like by the tree in between the light

pole.

Q Okay.

A He stopped, hands was up.

Q Can you show us how he, well, first of all, you didn't say he turned around, did he turn around or was he running backwards?

A No, he was running like towards my direction.

Q Okay.

A Looking toward like my way.

Q Okay.

A He stopped.

Q Uh-huh.

A And that's when he turned around.

Q Show us that. Show us like, you know, go that way and then show us how you turn around?

A He, I'm standing over there, he's running and then he turns around and he was like that way. (indicating)

Q Did you hear him say anything?

A He might of.

Q You don't have to guess, did you hear him say anything?

A That's where I thought I heard him say he gave up.

Q You heard him say what?
A I give up.
Q You're not sure?
A I heard him say don't give up.
Q Don't give up?
A I give up, I mean.
Q I give up.
A I give up.
Q Where did he say that?
A That's when he started walking back towards the officer.
Q So how was he walking towards the officer?
A He went like this with his hands up, and when he reached that way that's when the police started four shots. (indicating)
Q How did he reach. You say he reached that way?
A I mean, he had his hands up like this, he never went down or reached out, he still had his hands up. And that's when the police started letting off more shots.
Q You never saw him like go to his waist?
A His hands never went down.
Q When the officer was shooting?
A When the officer start shooting, his hands

never went down.

Q How many shots did the officer fire?

A Uh, it was over six, it was six to nine rounds.

Q All about --

A The first shot pow, pause.

Q And that was at the car?

A That was at the car.

Q Okay.

A When he turned around to go back, as if he was surrendering, that's when the rest of the shots started going off.

Q Okay. So when Mike Brown was surrendering and he was walking towards the officer, what was the officer doing before he started shooting or did he just start shooting?

A He just started shooting.

Q The officer didn't back up or walk toward Mike Brown?

A He just started shooting.

Q Did he say anything to him, like get down?

A No, he just started shooting.

Q He didn't tell him to stop or anything?

A If he did, I didn't hear that part, I just know the gunshots start ringing off.

Q Were you close enough to hear it?
A The gunshots?
Q Were you close enough to hear if the officer said something?
A No.
Q You were not close enough?
A No.
Q But you were close enough to hear Mike Brown?
A He screamed like, I give up.
Q He was screaming?
A He screamed, I give up.
Q So if the officer was screaming a command or something, do you expect to have heard it?
A I would have heard it.
Q Okay. Now, this other officer, when did you see him, you said it was two officers in the car?
A Yes, I mean, when he got out of the car, I didn't really get no description of him.
Q Before you kind of jump too far. Are you saying the officer, the other officer?
A He was in the passenger seat.
Q He was in the passenger seat, in the front?

A The front seat.
Q Did you see him get out of the car?
A (Shakes head.)
Q Okay. So he did not get out of the car?
A No, ma'am.
Q Okay. From what you could see, what did you, what did you tell us about the other officer was he a black or white man?
A He was a white cop too.
Q Did he look young or old?
A He could have been middle age or young, I don't know.
Q Did he look to be in uniform?
A They both was in uniform.
Q Okay. But he never got out of the car?
A No.
Q Or you didn't see him?
A I didn't see the passenger door open at all.
Q Okay. And since your vantage point was from the passenger side, that's where Dorian was?
A Yes.
Q You could see this other officer in the car?
A Yes.

Q And that officer never got out to assist --
A I never --
Q I have to ask the question and then you answer. He can't take us both down at the same time.
A I'm sorry.
Q You never, when the officer, when the gunshot went off, you never saw the other officer do anything?
A No, ma'am.
Q And when Darren Wilson we know is the shooting officer, when he got out, the other officer never got out to assist him?
A No, ma'am.
Q But you're positive there was another officer in the car?
A Yes, ma'am.
Q Okay. Did you ever see a weapon fall?
A (Shakes head.)
Q Did you ever see Mike Brown with a weapon?
A No, ma'am.
Q And when I ask you about a weapon falling, what was your answer?
A No.

Q Okay. When you saw Mike Brown stop and turn around, I think your first statement on August the 16th, and we've had your statement so we know, at least the first one, of course, I think you mention that he turned around as if he was defending himself or giving up, which are two different things.

A Well, there was so much going on, I meant to say he was surrendering himself. I didn't say to defend hisself, I meant to say surrendering.

Q Okay. Surrendering or giving up?

A Giving up.

Q Is what you meant?

A Yes, ma'am.

Q Did it look like at any time he was trying to defend himself from the officer to you?

A As far as getting away, he grabbed him, yes, it was like as if he was like, why is you grabbing me, like what did I do, that type.

Q Okay. Now, when Mike Brown was running away, you were trying to explain to me how he ran. So you said he didn't run very far, so explain that to me?

A I mean, from the middle of the street to the light pole like where, it is like light pole and

there is some trees right there in front of his apartment building right there.

Q Uh-huh.

A Like the parking lot, he didn't run that far from Mike from right here to there. It wasn't far at all. (indicating)

Q Okay. Before he turned around?

A Before he turned around.

Q And when he was running away from the officer, when he had his back to the officer, did you hear any shots being fired?

A No.

Q How many shots would you say you heard total from the start of the car?

A One, I'm going to say like it's about six, between six and nine shots.

Q Okay. And when he was walking towards the officer?

A He had his hands up.

Q He had his hands up?

A Yes, ma'am.

Q Did you ever see him like run towards the officer?

A No, ma'am. He stopped and he turns around and he like was walking back towards the officer.

Q What was your opinion of why he was walking towards the officer?

A Like as if he was surrendering, and that first shot, I guess, he noticed he was shot. So he was surrendering hisself like, I give up. Like, what did I do?

Q Did it look like he was falling into the officer's body or something?

A No, it was like as if he was walking back towards him. He was going back towards him, that's when the police started letting off the shots.

Q Now, did you take any video or pictures of the shooting?

A No, I didn't. I didn't get none of that at all.

Q Did you get anything like after the shooting?

A I got after the shooting, it's not much, but I got some of it.

Q What did you do with that video, was it video or pictures?

A I got videos on my phone.

Q Do you have it with you?

A Yes, ma'am.

Q Just hold tight, we will have to deal with

that later. Did you turn that over to the police?
A To the FBI.
Q The FBI have it?
A Yes.
Q Okay. That's what I need to know.
Do you know ?
A No.
Q Okay. Do you remember when you talked to the FBI at the house, I guess it was in Canfield Green?
A Uh-huh.
Q Whose house were you at when you were talking to them?
A I was at my friend's house.
Q What is her name?
A No, that was a guy.
Q What's his name?
A .
MS. ALIZADEH: I'm sorry, what's his name?
A .
MS. ALIZADEH: ?
A Uh-huh.
Q (By Ms. Whirley) And he lived at Canfield?
A Yes.
Q Where was that apartment at that

lived at?
A Uh, this one right here. (indicating)
Q Is that
A Yeah.
Q Now, in the statement , so it could have been ?
A I was at the house next to it.
Q who you were visiting?
A Yes, he was at work at the time. So I stepped over here to a house next door.
Q At , not that you had to go?
MS. ALIZADEH: Sheila.
MS. WHIRLEY: How did you happen to go.
MS. ALIZADEH: It says we are at apartment and then the person says .
MS. WHIRLEY: Okay. Thank you for that correction. So you were right, is where you were?
A Uh-huh.
Q (By Ms. Whirley) So what was , is that where lives?
A Yes, he stay in , I was at .
Q How did you get to ?
A I was standing outside and I was talking to the people the night before, I was talking to

them.

Q Okay.

A And the agent, all of them pulled up. It was a burden on my chest just to know that it happened like that and I felt like I should say something, just give my opinions because I was there.

Q Okay.

A So I just went on and I told them I seen a little bit and I went on in and told them what I saw.

Q Okay. You didn't know the people that were at who lived there?

A No.

Q Because there was a few people there, they were all talking?

A Yeah, they was talking. I don't know them like that so, like I said, that was my friend's house. Basically I can come over there and talk to them in there.

Q You didn't know

A No.

Q Did anybody ever there show you a video of the shooting?

A No.

Q Okay. Or say they had a video that you know of?

A No.

Q All right. Now, you said you wanted to say something because of the way it happened?

A Yes.

Q Well, tell us what you mean by that?

A I mean, I just fell like, I mean, he didn't do anything wrong. I mean, from him walking from the store or anything, or whatever, to the place out in the street or what the police did, I didn't know. But I just felt like it was wrong, why would you shoot an unarmed child with his hands up.

Q And the part you did actually see some kind of scuffle at the car or you said the officer snatched him at the car or grabbed him?

A Grabbed him by his shirt.

Q You didn't see Michael Brown start any type of physical skirmish or anything?

A No, ma'am.

Q You saw it from the very beginnings?

A From the very beginning, I was talking on the phone. We was all out there just talking like I said the police was riding down the street, they was walking in the middle of the street, pulled up and

said something and he pulled back and that's when he went to grab him by his shoulder.

Q Now, let's go back to when Michael Brown turned around, had his hands up as you tell us, and he was shot at least five or six times as he was walking towards the officer. And did you see him hit the ground?

A When he hit the ground, he fell hands up and that's how he was laying.

Q Did he fall, how did he fall?

A He fell, like fell down like on his knees and he just fell.

Q Did he go down on his knees for a minute first, or how did he do?

A He dropped down and he fell.

Q Where did he land?

A In the middle of Canfield, like right up in there. (indicating)

Q And was he, face on the beyond?

A Face on the ground.

Q All right. And what did the officer do once he fell?

A I seen an officer walk over, check his pulse, stand up, and he walked away.

Q What officer was that that checked his

pulse?

A I don't have the slightest idea, I don't know.

Q Was it the officer that did the shooting?

A I don't know.

Q You're not sure?

A Not sure.

Q Initially you thought it was?

A I thought it was.

Q Why did you decide it may not have been?

A Because the picture of the police, didn't look like the picture of the man who checked his pulse.

Q What picture now?

A On the news, that didn't look like Darren Wilson who took the pulse.

Q You said you didn't see the other guy who was riding with him?

A No.

Q Now, on one part of your statement, let's see, it is on page 17, have you ever looked at your statement?

A Huh-uh.

Q We can let you if you need to, but I just had a question about, um, you said that before, on

page 17 at the top, before the first shot, you talk about slamming his hand and like I said once, I guess once he flung his hand, that's when the first shot rung off and it hit him. What did you mean by slam his hand?

A I guess when he grabbed him by his shirt, you know, reaction from a person grabbing your shirt, you are going to initially grab his hand to try to snatch it away or smack his hand away.

Q You talking about Mike Brown slamming the officer's hand away?

A Yeah.

Q Did you see Mike Brown strike the officer?

A No, ma'am.

Q And once Mike Brown is down on the ground, did the officer shoot any more?

A Somehow, all I know, I didn't know if he got in the head. We notice there was a blood trail coming from his head as he was laying on the street.

Q Okay. But my question is, you saw him hit the ground?

A Yes, ma'am.

Q Did the officer shoot any more?

A No, ma'am, I don't think he shot any more after he hit the ground.

Q You didn't hear any more shots after he hit the ground?
A No, ma'am.
Q What did the officer do when he hit the ground, do you recall?
A Nothing.
Q Okay. Was there any point that you thought maybe when you first talked to the FBI agents that the officer shot him while he was on the ground?
A It could have happened that way like once he fell.
Q Did you ever think that?
A Yes, I did.
Q Tell us why, tell us a little bit more like that?
A There was too many shots. After a certain many shots he fell. And I guess he was going to make sure, I didn't know if he was absolutely there, I don't know. It is how it happened.
Q But it seemed to you he was still shooting at him once he fell?
A Yes, ma'am.
Q Does it seem that way today?
A Yeah.

Q Okay. But you didn't see it?
A No, ma'am.
Q You just assume it?
A I mean, I saw it.
Q I know, don't be nervous.
A It's crazy.
Q Try not to be.
A I think he did, I think he did shoot him once while he's down on his knees.
Q But you're not sure?
A No, I'm not.
Q Was he on his knees for a minute?
A No, like once he fell, as he was shooting, he was falling and.
Q So he wasn't like on his knees and the officer was shooting him?
A Like um, um, um, he could have been shooting him as he was going down, yes, ma'am.
Q But you didn't see him stand over him once he is down?
A No.
Q You're sure of that?
A Yes, I'm positive.
Q Now, why did you think you needed to come forward, you said you didn't like that, what are

your thoughts about that, did you feel that the officer was being threatened by Mike Brown?

A He could have.

Q What are your thoughts on that in viewing what you saw?

A I can't say on behalf of the police if he felt threatened, he could have cause he was a big guy. I thought he was a grown man when I saw him.

Q Okay.

A He could have felt threatened because of his height and his weight. He could have felt threaten by him.

Q I guess I should have asked that a little differently. Did it appear to you that Mike Brown was threatening him?

A No, it didn't seem like that at all. They wasn't causing no trouble at all period. They was like walking.

Q And why did you want to come forward and tell what happened?

A Because it was wrong.

Q What was wrong?

A For the police to shoot him like that numerous times. After the first shot, I mean, after the first shot that should been enough if he's

surrendering with his arms up and not making no type of movement saying that he had a weapon or anything, I felt that was wrong.

Q So that from what you could see, there was another officer to assist him in the car?

A Yes, ma'am.

Q You actually saw another officer?

A Yes, ma'am.

MS. WHIRLEY: I don't think I have anything else. Kathi?

Q (By Ms. Alizadeh) Okay. Ma'am, I'm going to ask you some more questions and they might seem kind of tough questions, okay?

A Okay.

Q One thing we need to slow this down. That means when I speak and answer a question, try to wait until I'm finished with the question before you answer.

A Okay.

Q It helps them to follow what's going on and it certainly helps the court reporter because his fingers are on fire right now trying to keep up with this, okay.

And I might slow you down occasionally.

A Okay.

Q I'm going to ask you a question. I don't ask you this to embarrass you in any way. Do you take any medication?

A No, ma'am.

Q Okay. Is there anything that you are supposed to be taking medication for?

A No, ma'am.

Q Okay. So I see you raise your eyebrows. I'm just asking because kind of ADHD and sometimes he talks very fast and I didn't know if anybody ever told you that?

A Huh-uh.

Q You're a fast talker.

A Yes, I am.

Q Okay. So let me back up, see if I can understand. When you say that you were going into the complex, I'm not sure if I understood the reason that you were going in there.

You said you were coming back from the store?

A I have a friend who stays right next door to the apartment who I was, , he stays in that apartment where I was going to visit.

Q Okay. Were you specifically going to

visit him or were you cutting through to go back to your place and you were going to stop?

A It was a little bit of both.

Q And correct me if I'm wrong. I think you said that it is not unusual for you to go through Canfield to get to where you live, can you get to where you live by going through Canfield?

A Uh-huh.

Q Okay. So when you were going through that that day, were you going home, or were you going through there to stop and visit your friend?

A I was going home, but just by me going through, I was just generally just stopping to see a friend.

Q Okay. And we know it was a beautiful Saturday day?

A Uh-huh.

Q Do you know other people in the complex?

A No, I mean, I know just because I've been over there with my friend. So, I mean, I just stop. I saw them when my friend wasn't at home, saw them and just generally speaking.

Q So your friend, I think , you've been inside his apartment before?

A Uh-huh.

Q How about anybody else that lives in Canfield, have you ever been inside anyone else's apartment?

A No.

Q The other people you met in Canfield was kind of in passing by?

A Yes, ma'am.

Q And so on that day, you said you were coming this direction?

A No, I was coming.

Q Oh, okay, I'm confused. You are coming from this direction?

A Yes, ma'am.

Q And you turn onto Coppercreek Court?

A Yes. It is a lot like right here. I was on the back lot. I pulled directly in front on the lot in the back, back by the dumpster.

Q You are in the lot that's on Canfield Court?

A Yes.

Q You were going to go visit this person at --

A Yes.

Q -- at ?

A Yes, ma'am.

Q And is there, just out of curiosity, a reason you didn't go and park closer to his apartment?

A Like I say, it was neighbors standing out right there and I stopped right there.

Q Okay. Who was standing out?

A His name is and I want to say , I call her .

Q You saw a man named , you call him ?

A Uh-huh.

Q And a woman named ?

A Uh-huh.

Q So when you pulled up into the parking lot, were they outside?

A Yes, they were.

Q Were they on the ground or were they like on a balcony?

A On a balcony.

Q Okay. Do you know what building number where they were on the balcony?

A Uh, stayed in the next apartment on the other side, on this side on the second floor and he was up on the balcony.

Q Okay. So was on the balcony on the

second floor on , did you point right there?

A Not the apartment where I was standing at, on the other side. I don't know quite what that address is on the other side.

Q Just where I'm pointing, is that where you had the laser pointer right here, he was on the balcony?

A Yes, on the second floor.

Q On the second floor. And your friend lives?

A Yes, over there on that side.

Q Did you get out of your car?

A Yeah, and walked right over toward thing, and we was all standing right there by the dumpster. Well, was standing over there by the dumpster.

Q Okay. There's a dumpster here?

A Uh-huh.

Q That's in the parking lot of Coppercreek Court?

A And my car was parked right there. (indicating)

Q Hang on, let me finish. And there's a dumpster here that's in the parking lot of Canfield Court?

A Uh-huh.

Q Which dumpster was standing by?

A The one right there on Coppercreek.

Q The one on Coppercreek Court?

A (Nods head.)

Q Do you know was she standing, if this is south, okay. Was she on the south side of the dumpster, on the north side of the dumpster, was she in the parking lot or was she behind?

A Parking lot.

Q In the parking lot. And was on his balcony?

A Balcony.

Q So point to the map where you parked your car?

A Like right up in here. (indicating)

Q Okay. And when you walked, where did you walk to?

A I walked over to the balcony, got a cigarette from , and then I walked over there to talk to .

Q Okay. When you got the cigarette from , did come down off the balcony?

A Not just yet, he didn't come down until the commotion started.

Q Okay. Let's get to that in a minute.
A Okay.
Q But when he, so did he toss a cigarette to you?
A Yes, ma'am.
Q Or did you go up?
A No, he tossed it down to me.
Q Okay. So you know him well enough, hi can I have a cigarette?
A Yeah.
Q All right. So when you say, after you got the cigarette, you walk down here?
A Uh-huh, because I was talking to .
Q You call her
A Uh-huh.
Q You said you saw, at some point, maybe I'm confused, when you first saw the boys, which direction were they walking?
A They was walking towards West Florissant. There was a lot right up here, this is a grass area.
Q Yes.
A They walked from somewhere up in this area, they walked across the lot and go down Canfield.

Q Okay. When the officer's car pulled up and confronted the boys, is that as they were walking this direction down Canfield?
A No, they was coming back.
Q Okay. That is what I was confused about. So you're standing there talking to , smoking a cigarette and how long were you there before you saw those boys again?
A Maybe 20, 25 minutes.
Q Just standing in the parking lot talking?
A We was just standing there talking.
Q Did you see any other people around this area?
A It was some people standing out like by the Canfield Court. I mean, there was lot of people standing, I mean there was people standing in the Canfield Court area. There was some people outside.
Q Did you ever see anybody that looked like they were working on buildings or working on things?
A Some construction workers?
Q Yes.
A Yes.
Q Where were they?
A They was like, they was like on Canfield, like back up in the this area by Canfield Court.

(indicating)

Q So you got the laser pointer on a grassy patch between the sidewalk that's on the north side of Canfield Drive and the actual street?

A Yeah.

Q In between Coppercreek Court and Canfield Court. So what were they doing in this area?

A Can't say what they was doing, probably working on some sewer lines.

Q So were they like digging or could you tell?

A I want to say they was digging. They was doing a lot of digging around there, so I say they was digging.

Q Okay. Now remember when we talked before we came in here, I don't want you to guess at things. So remember I said if, I really don't know is the right answer, that I'd rather have you say that.

A Okay. I don't know.

Q Okay. Did you stay here with the entire 30 minutes from the time the boys left to when they came back?

A Yeah.

Q was still there when the boys

came back. So was she standing there at the dumpster when the whole thing with the police car happened at the police car?

A Yeah.

Q You mention that eventually came down when the commotion started.

A He sat on his balcony so, when the police did all the shooting, that's when he came down. He knew I forgot to call the ambulance and stuff like that.

Q Were you still standing, and I've got the end of my pen here where that dumpster is on Coppercreek Court, there's a little, looks like painted lines in a little box so people don't park in front of it, would that be fair to say?

A Yes, ma'am.

Q Were you like in that box?

A I was somewhere up in there.

Q Somewhere up in there. And so you saw a police vehicle coming westbound on Canfield Drive?

A Yes, ma'am.

Q At this point did you see the boys walking back?

A Well, not at that time, but when they got closer up toward this apartment building, that's

when I saw them, like right up in here. (indicating)

Q Now, let me ask you, ma'am, because if the initial encounter at the vehicle, after the vehicle backed up and the shooting occurred, did you ever see that vehicle move again?

A No.

Q And so if I were to tell you that vehicle was photographed by crime scene detectives right around in this area, would that be about your recollection?

A Yes, ma'am.

Q Can I ask you, ma'am, how it is if you are at this dumpster, you can possibly see what's going on at the police car because wouldn't this building obstruct your view?

A No.

Q So you're saying if you stand at this dumpster, I'm going to use a piece of paper as like a straight edge.

A Uh-huh.

Q We all know people can't see around corners, right?

A (Nods head.)

Q And so if the police vehicle was somewhere

around here and you are at that dumpster, do you see that the line of sight for that area goes through this building, doesn't it?

A Yes.

Q So can you explain to me how it is that you can stand there and see what happens at that police car?

A I mean, I saw. Cause it is like two dumpsters on Canfield, on Coppercreek.

Q Okay.

A But it might be the second one, but it is more like there is one right there closer toward the street. I was closer toward the street.

Q So you think that you were closer toward Canfield Drive?

A Yes, I was. The dumpster right there up there by the apartment and then dumpster right down here.

Q Despite the fact that you just for the last 15 minutes or longer, when Sheila was questioning you too.

A Uh-huh.

Q You put yourself here? (indicating)

A I mean, there's the dumpster that I see. I mean, there is two dumpsters, so it can be either

one.

Q Okay. Do you believe that there's two dumpsters there today?

A I mean, the one dumpster up there by the apartment and the one down here closer to Canfield.

Q So you think there is another dumpster that's in this parking lot that's closer to Canfield?

A Yes.

Q Because I'm confused.

A Okay.

Q And I'm not trying to put you on the spot.

A No.

Q You remember I said we have got to ask tough questions.

A Yes, ma'am.

Q And remember I said at some point you say you know what, maybe I really didn't see that. If that's the true answer, that's what we want today, okay?

A Yes, ma'am.

Q And if you say absolutely not, I know I saw it. If that's the true answer, that what I want you to say, okay?

A Uh-huh.

Q But based upon what you're telling me earlier, do you understand how it would be very difficult for me to believe that you could see that vehicle if you were at that dumpster and the police car were here? (indicating)

A Uh-huh.

Q So now you're saying you were closer to the street. Were you in the parking lot or on the grass?

A I was on the parking lot.

Q Was with you at that location or was she farther up the parking lot?

A She was like right there in the same area where I was at.

Q She was next to you?

A Uh-huh.

Q Were you having a conversation?

A We was all having a conversation.

Q Okay, all right. I have to use my glasses to read what I write, okay. Now, you said that when the officer was driving west on Canfield, you see him stop and talk to the boys?

A He said something.

Q And you hear --

A And then he pulled off.

Q But you said you heard the other boy?
A I didn't say, he said it loud enough to where I don't say that far.
Q And then there was, did you see any confrontation right then?
A No, the police pulled off.
Q Were the boys at the driver's window at that moment?
A They was in the middle of the street.
Q I know you've said there were two policeman in the car, were they at the driver's side talking through the driver's window or were they on the passenger side?
A They was on each side, one was on one side.
Q Which one was on what side?
A Dorian was on, he was on the sidewalk part, closer by the sidewalk, and Mike Brown was like in the middle of the street like crossing over.
Q And then you said the officer pulled forward, did the boys keep walking?
A They kept walking like as if they was coming back towards where they was coming from, back towards this way. (indicating)
Q All right. And how far did the officer

get toward West Florissant before he backed up?
A They wasn't down there this way.
Q No, no, I meant toward.
A They didn't go far at all.
Q Would it have been more than two car lengths?
A Maybe, I would say.
Q And then you said he backed up, quickly or normal?
A Normal.
Q All right. So you didn't hear any tires squealing?
A No.
Q And then when he backed up, I'm so sorry because I get confused with what everybody else has said and I've listened to so many statements.
A That's fine.
Q If my pen is the police car and this is obviously way bigger on the map, when somebody is driving down the street, they drive in a lane and they drive straight, correct?
A Uh-huh.
Q So when the officer backed up, did he back straight?
A Backed straight.

Q He didn't angle his car in any way?
A (Shakes head.)
Q You are shaking your head no.
A No.
Q He didn't angle his car?
A No.
Q If I tell you that there is photos of that vehicle after the fact where that vehicle is actually angled in the middle of the street, you don't recall that?
A No.
Q And when he backed up, and the boys now, are they both on the driver's side when he backs up?
A No.
Q Still Dorian is on the passenger side?
A On the passenger side.
Q And Michael Brown --
A Is on the driver's side.
Q And then if you were in this position now, or somewhere on this parking lot farther south than the dumpster, than this dumpster that we have been talking about.

If the officer's car is right around in this area and Michael Brown was in the window. If that car was angled, wouldn't you agree with me

that the car would be between you and Michael Brown?

A Yes.

Q And when you were at this location and looking at the vehicle when Michael Brown was at the driver's door, was the car in between Michael Brown and you, the police car, yes?

A Yes, ma'am.

Q Okay. So the car is blocking part of your view?

A Yes, ma'am.

Q And wouldn't you agree with me, now Michael Brown we know that he was 6'5", right, and I would imagine --

A I thought he was an adult, I didn't know he was no child.

Q I would imagine if he was standing there. He's probably taller than the car, would you think maybe he was?

A Yeah.

Q When he was standing at the driver's window of the car, could you see the top of his head or any part of his head over the roof of the car?

A I'm not sure.

Q You're not sure?

A Yes.

Q That is the correct answer if you are not sure, okay?

A Yeah, I'm not sure.

Q And so you said you saw the officer's arm come out of the window and grab him by the shirt collar. Let me ask you this. If the vehicle is in between Michael Brown and you, are you looking through the vehicle to see that?

A Yes.

Q Okay. So is the passenger window of the vehicle open?

A Yes.

Q You remember the passenger window was down, and obviously, if the officer puts his hand through the driver's side window, we know that window was down?

A Yes.

Q Okay. So you're saying that you could see through those windows, and you saw the officer grab Michael Brown by the shirt collar?

A Yes, ma'am.

Q Okay. So you're actually looking into the car, if you are seeing through those windows, you have to see into the car, right?

A (Nods head.)

Q And then you would see the front portion of Michael Brown's body?

A Yeah.

Q And so if Michael Brown, I mean, if his hands were up, at or near or inside that vehicle --

A His hands were not in the vehicle at all.

Q Okay. Do you remember saying before that you couldn't really see either of their hands as far as what their hands were doing?

A I know when he grabbed him by his shirt.

Q Right.

A I seen him when he went to go and like knock his hands back. And that's when the first shot was fired.

Q Well, you've said in your other statement that when you talk about the officer putting his hand out of the car, you say he pulled out and grabbed him. This is difficult for me to do because you guys talk over each other in these statements and so I'm going to do my best and I'm going to show you this so it will be easier for you to follow along.

On page 11. So you're in this conversation and SA, that's special agent, so that's the FBI guy. So you were talking about, you know,

that the officer hadn't got out of the car, but I mean was that, you said he pulled and then you said he pulled.

And then the officer says, reach out of the car? And you say, he pulled out and grabbed him.

You mean the officer reached out and grabbed Michael Brown, is that what you mean?

A Yes, ma'am.

Q He had already, he had his hand on his gun?

A Yeah, I mean, for him to shoot while he was sitting in his car.

Q Did you see that?

A No, I heard the pop.

Q My question is, did you see that the officer had his hand on the officer's gun?

A Did I see?

Q Remember, I said don't guess at things.

A No.

Q Okay. When you were looking through the vehicle?

A I didn't see the officer have his hand on no gun.

Q Did you ever see the gun until the officer

got out of the car?

A I heard the pop, that's what I heard. I heard the shot, I didn't see the gun, I heard the shot.

Q Okay.

A And I didn't know that the cop went out of his car.

Q Okay. And you understand that it is those little details that matter?

A Yes, ma'am.

Q And you say evidently he already had his hand on the gun, I was gathering by his word evidently, that you were guessing at that?

A No, I was saying, what I was saying was that evidently he had to have his hand on the gun in order for him to shoot first cause he never had got out of the car.

Q Okay. You're just guessing at that, right?

A (Nods head.)

Q Is that right?

A Yeah.

Q Okay. And from your vantage point, you never saw the gun in the officer's hand while the officer was in the car?

A No, ma'am.

Q And so would it be safe to say that if the officer had his gun in his hand, and if Michael Brown had his hand on the officer's gun, you couldn't see that either, is that fair to say?

A Yes.

Q Okay. Now, you testified today that when Michael Brown turned around and he had his hands up, I don't want to frustrate you, do you want some water or anything?

A I'm fine.

Q And when he turns around with his hands up you said that, I'm not sure how sure you were to date on this because you said I think so and then you said yes. You said that you heard Mike Brown say, I give up.

A He did.

Q And then you also said you never heard the officer saying anything?

A He didn't.

Q Okay. And I'm going to ask you again in your first statement to the police, and this was on August 16th, this happened on August 16th, would have been the next Saturday when you are talking to the officers on page 17. And the officer, and

you're and this is the special agent. And you say, and that's when he turned around and he was going back toward the police, defend, to give up. And the officer asked, could you hear what was being said.

And then another officer said do, and then you said, no, I could not but I --

And then the agent says, can't hear anybody yelling back and --

A I said no.

Q And you said no. Back on the 16th you didn't hear anybody say anything?

A No. Like I said, when the first shot went off, I know I heard him turn around and say, I give up. Now, as far as him, I say him defending himself, I meant to say he was surrendering himself.

Q Okay. I'm sorry, I started before you finished.

A No, I was just saying that he was going back to surrender himself. Like I say when he went back and he turned around, his hands was up.

Q Okay.

A He never reached down or like if he had anything or any type of weapon on him or anything.

Q Okay. I think you clarified that with

Sheila that you didn't mean --

A Right, I really didn't mean to say defend hisself.

Q My question has to do with the fact that today you testified that you heard Michael Brown say I give up?

A He did say I give up.

Q But back on the 16th, a week after this happened, you said you didn't hear either of them say anything back and forth, back and forth?

A No, I didn't mean that.

Q Okay. Do you think it's possible, have you talked to a lot of people since this has happened about what you saw?

A No.

Q You're friends with , right?

A Uh-huh.

Q And she was there?

A She was there. She's just a neighbor and she talks to everyone.

Q Yeah, I know, I've met her. So I'm asking you since this happened this is a big deal.

A Yeah, it is, it is a very big deal.

Q You saw something and I know we already talked about this, you wish you weren't there. You

were in the wrong place at the wrong time. And there were a lot of people that wish they weren't there to see that. And you people that were witness to this share some special bond, I think, because you were the ones who saw this. And I would think it would be a natural thing to want to talk to the other people because you have this, you know, affinity with them. I saw it too, you have an ability to kind of relate to each other. You don't talk to people about this? You are shaking your head no?

A No, I don't.

Q How about , did see it?

A He was on his balcony.

Q And did you ever talk to since then about what he saw?

A No, ma'am.

Q All right. Do you watch any of the news accounts about this?

A I try not to even look at it no more.

Q Okay.

A I saw enough.

Q After it first happened, did you watch some of the news?

A No.

Q Okay.

A Only thing I saw on the news is when they brought up the video saying he's at the store. That's the only thing I saw. After that, I never paid attention to it.

Q Have you joined in any of the activities about, you know, whether it be to demonstrate or to help raise money?

A (Shakes head.)

Q No?

A No.

Q Let me ask you this, you testified today, you didn't actually come forward, you actually were there, the police came, the FBI came and went to the apartment, correct?

A Yes.

Q So you didn't come forward, but when they were there, you told them what you saw?

A That's right.

Q You said it was somebody that encouraged you to tell what happened?

A I mean, at first I wasn't going to say anything, but it was a burden on me.

Q Uh-huh. I'm glad you did. But let me ask you this. I know that you were interviewed today

and you were interviewed by a woman named , do you remember?

A Uh-huh.

Q There was a man named there, do you remember him?

A Yes.

Q And when they talked to you today --

A I didn't talk to no man today.

Q Okay.

A It was three women.

Q Two female FBI agents?

A Yeah.

Q Do you --

A It was three, it was a prosecutor and I want to say maybe two.

Q Okay. When you talked to them today, did you tell them that one of the reasons why you're coming forward and telling what you saw is because you empathized with Michael Brown's mother?

A (Shakes head.)

Q You are shaking your head yes?

A Yes, ma'am.

Q So what does that mean?

A Because she's hurting, she lost a child.

Q Yes.

A I lost a brother, so.
Q So you know what it is like to lose somebody. Did you lose your brother to violence?
A Two.
Q You are shaking your head yes?
A Yes, I did.
Q And that's a painful thing to have to live through, I understand.
That's one of the reasons why you wanted to help Michael Brown's family. And you are shaking your head yes?
A (Shakes head.)
Q You need a minute? You want some water?
A (Shakes head) No.
Q Ma'am, I'm not saying that that's a bad thing, okay. I think that that is totally understandable because again, you share something with them in a sense that you have a similar experience. And you know what it feels like, it would be normal to want to help bring them comfort or closure, okay?
A Yes, ma'am.
Q Do you know Michael Brown's mother?
A No, ma'am.
Q Have you ever spoken to her?

A No, ma'am.
Q Have you ever spoken with anyone from his family?
A No, ma'am.
Q How about attorneys that represent his family?
A No, ma'am.
Q Other than the FBI agents that have interviewed you now twice and coming in here and talking to the grand jurors.
A This is it.
Q And finally, I want to clarify when you said that you saw Michael Brown, the final shots, okay. And Sheila asked you about did you see the officer stand over him and shoot him. I'm not really sure because in a way you said, it seems like it happened that way, or something to that effect?
A It might as well.
Q It might as well. But you were there to see it, right?
A I mean, he was like at the back of the SUV. Mike Brown was going toward him and he was just shooting at him like as he was walking toward them, he's shooting and he's falling down face first with his hands up.

Q So when he was on the pavement, were his hands still in that position?

A Yes, ma'am.

Q Okay. And you saw his body on the pavement?

A Yes, ma'am.

Q Did you stay at the scene for any amount of time afterwards?

A I had stayed there until the whole thing was over because I couldn't go nowhere.

Q Because your car was --

A My car was trapped in.

Q Okay. Did you stay down on Canfield during that when the crowd started gathering?

A I moved further back away from it.

Q So you moved away from the body?

A (Shakes head.)

Q You are shaking your head yes?

A Yes, ma'am.

Q What I'm trying to clarify is, I want to make sure we're getting what you saw and not what you think happened.

So even though you say it might as well have happened that way, but you didn't see the officer stand --

A No, he didn't stand over him. He was shooting as he was walking towards him. And as he was walking towards the guy, he fell down and the last shot. He didn't stand over him like as if he walked over to him and stood over him, no, he didn't.

Q Okay. You could see the officer as he was firing those last shots?

A He was standing right there in the middle of the street.

Q So you could see. You said that somebody walked over and checked the pulse of Michael Brown?

A The officer, yes, he did.

Q If you see this officer, was it the officer that you saw shooting that walked over?

A No, I don't know. It could have been a different policeman.

Q Okay. Was it, was the scene taped off when the officer checked his pulse?

A Yes, ma'am.

Q Okay. And I really appreciate your coming in.

A No problem.

Q I'm very sorry I upset you.

A You didn't upset me.

MS. ALIZADEH: I don't want to bring up your bad memories, but I appreciate you sharing them with us, okay. Thank you.

MS. WHIRLEY: I just have one thing for clarification. When you talked about you were asked that you wanted to help Michael Brown's family, I wasn't watching. I think you shook your head yes. How do you want to help them, I'm not clear on that?

A As far as bringing, bringing the truth out of what really happened. I mean, I didn't feel like he did anything wrong. He didn't make no --

MS. WHIRLEY: You are telling this grand jury that you absolutely saw what you told us here today?

A Yes, ma'am.

MS. WHIRLEY: You're not making up anything to help his family?

A No, ma'am, not at all.

MS. WHIRLEY: Are you making it worse than what it really was?

A I'm going off on what I saw and it just, it's just got to be right. Wrong, everything is just wrong. He didn't do nothing wrong. He was walking, where he was coming from he was walking. It is not like he was attempting to do anything to

nobody or harm anyone, he was walking, him and his friend.

So, I mean, for the police to assault him or do anything, what was the reason?

MS. WHIRLEY: Questions?

. I sympathize with your loss, sorry. I understood what you just told Miss Sheila, let me understand your feelings, you feel that the killing of Mr. Brown was not justified to you?

A No, ma'am.

Regardless, you didn't know what happened beforehand because like you say, you just saw the tussling and after that?

A Right.

: But as far as him being dead on the ground.

A Okay. What I'm saying is, if he did something wrong, and the police had to protect itself or to defend itself, then that would have been the case, but for this young man to be walking down the street, not causing any problems to no one that was outside, what was the point. You could have tased him instead of shoot him.

If you felt like he was harming you

in some type of way, you could have tased him. You didn't have to pull your gun first. He didn't go to show that he had any weapon on him at all.

So I felt like for him shooting him, it was just too much. You could have tased him. If anybody else run up and have an incident with a police officer, that would be the first thing a police officer will do to defend themself. If you felt like he had a weapon or anything.

He didn't show that he had any weapon at all. He was just walking down the street and him and his friend having a casual conversation, that's what I saw out of them, so.

For him to just shoot that young man like that I didn't think that was right.

Thank you.

. And again, I also sympathize with you, this is a hard thing, it is a hard thing for the parties involved, for the grand jury, actually for the country. Okay. It is some hard issues that are being brought up by this, that's what we are charged to do. We have to know the truth.

A Yes, ma'am.

: In order to make the

proper decision, okay?

A Uh-huh.

: Sometimes it might be hard on you, it is with love, with love behind it, okay?

I have a question here. You said that, I think this is on page 17 of your statement from what is this, August 16th, at the top. When you're saying that the officer backs up and then you know Mike Brown is at the driver's side window, your view is from the passenger side?

A Yes, ma'am.

: I think we've already established the amount you can see.

A Uh-huh.

: You have a SUV with tinted windows, Mike is between, his body is between you and the SUV, then you have a cop in the car as well and then Dorian also to the right side?

A Yes, ma'am.

Of the vehicle. Okay. You said you heard the first shot, am right about that?

A Yes, ma'am.

So if we can't see, you know, hands going off or whatever, and I pose a

question, is it a possibility that the first shot may have been an accidental shot and it was not a shot intentionally to injure Mr. Brown?

A It could have been, but that doesn't count for the rest of the shots that came after that when he turned around. If that was a warning shot, the rest of the shots, them or five or six shots shouldn't have came from behind the first shot that went off.

: Uh-huh.

A I don't feel like it was a warning, I feel like it was intentionally done because the police could have been intimated. Like I say, I didn't know he was a teenager, I thought he was a grown man when I seen him.

So the police probably was intimidated of his height, his weight, I don't know, but I don't feel like it could have been a warning shot.

But even if that was a warning shot, that would be an intentional act by the officer, okay?

A Okay.

So in the realm of everything, there's a possibility just like the

first shot might have been an accident; is that correct?

A It could have been yes, ma'am.

. As you mentioned again, standing out there, a nice day on a Saturday, talking with a couple people by the dumpster. A lot of stuff going on as you mentioned out there. Was it the act of the police car driving by that drew your attention to then watch the entire scene, or was it the first gunshot that had a big conversation or smoke that drew your attention, what was it that really made you focus solely on --

A What made me focused is when they pulled back towards them.

Okay.

A What could they do. They was walking across the street, they couldn't have been doing too much, they wasn't doing anything.

: There wasn't any sound associated with it, okay. Okay, thank you.

: I have a couple questions.

A Uh-huh.

: And I want you to know that these questions are hard for me to ask you,

okay?

A That's fine.

: I just want to verify on page 29 of your statement, you said that, just now, that was what I was going to ask you, . You said the gunshot is what made me look for real?

A Yeah.

: We've established you were looking through a car window that was tinted, past one officer to another officer from the opposite side of the street, and you really weren't paying attention until you actually heard that first gunshot, okay?

A Uh-huh.

: We've already established that could have been an accident on either person's side. The officer or Michael, they could have been tussling. You didn't see his head, so you don't know if he was in the car, right?

A No.

: You couldn't see the top of his head?

A No.

: You have stated that he was not in the car?

A He was not in the car at all.

: So, and then we also established when you said the officer stood up over him and emptied, and you didn't finish that, but that's what it felt like to you, right?

A Yeah.

: He did not do that?

A No, he did not literally stand over him, no.

: I just have a question for you about . Was she outside with you from the very beginning when the police car stopped?

A No.

Because you talked about the first thing that you saw.

A No, she probably came outside right when I pulled up, so.

: Okay. So again, when did you pull up?

A I can't remember, it was afternoon.

: I mean, did you pull up, I'm just trying to determine if you and see the whole altercation?

A No, she probably did see the whole altercation, I'm not going to say she did or not. I

know what I saw.

: And so you were visiting a friend, you were going to stop by?

A Yeah, I just want to stop by and visit a friend.

: And you realized he was home?

A Right.

: Did you get of your car and go to his door and knock?

A Yes, I did.

: After you got done, did you see on his balcony?

A He was on his balcony and I was walking like back towards my car, where the car was. And I asked him for a cigarette and he threw it down and that's when I saw .

Outside?

A Yes, ma'am.

And then today before you said you heard him as he's walking away, Michael Brown walking toward the police officer with his hands up, you heard him say, I give up?

A I give up.

Then today you said, um,

let me find my notes. That you heard him say I give up after the first shot?

A Yeah, no, no, when he walk, when he come back, when he was running towards, he didn't say when he turned around, when he noticed, I guess, when he was shot, when he turned back around to walk back towards the police, he was giving up. He was surrendering hisself.

: I have a question for you about that. I'm not saying he wasn't truly giving up. If you were in the same situation and you were giving up, would you continue to walk toward the police officer or would you stop and get down?

A I probably would have stopped and got down.

: So if you're telling me that you would have stopped and got down, and the reasonable thing would be to stop and get down. And a 6'5", 285 pound man, even though he may have his hands like this coming towards you, do you think it's possible the police officer could have misunderstood his act of surrender? (indicating)

A He probably could have misunderstood, but that still didn't give him no reason cause he still didn't ever move his hands from out of the air. I

could see if he walked, and then dropped his hands and started back towards the police. And then I could see some sort of, I need to defend myself. I don't know what is going to happen, but when he was going back towards the police, he had his hands up.

: But he always was walking toward the police?

A He was walking toward the police.

: Thank you.

MS. WHIRLEY: Anything else?

: I have a few because I'm confused with your answer there. I thought earlier today that you had said when you got the cigarette, was already out by the dumpster and you stood next to her for like 30 minutes smoking and you saw Michael and Dorian walking west Canfield. That it was 30 minutes roughly that they came back. Was there something different?

A When I was standing out there, I mean, when they walk past, I was pulling up on the lot so.

: Okay.

A That's when I pulled up on the lot, they was walking towards that, walking towards West Florissant. I get out the car, knock on the door, walk back down. on his place, ,

she's down by the dumpster.

She's already down by the dumpster when you got the cigarette?

A Yeah.

: Before the first shot is fired she's down?

A She was already outside when the first shot went off.

: I just wanted to clarify that.

MS. ALIZADEH: Any other questions?

MS. WHIRLEY: All right. That will conclude her testimony.

(End of the testimony of .)

WITNESS 46,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Now, I'm going to tell you that I had already explained to you we are making an audio recording of what is going on in here and the court

reporter is going to transcribe what is being said, but at this time I've had the court reporter pause the recording so that I can have you introduce yourself to the grand jurors.

I'm going to ask you where you live, but not an address. You can tell me generally, you can say I live in north county, I live in Jeff County, I live in Illinois, something like that, okay?

A (Nods head.)

Q And then after we're done with that, I will have the court reporter start the audio or recording again and after that I will refer to you as Witness Number 46.

Is that okay with you?

A (Nods head.)

Q You have to answer out loud.

A Yes. I use that on Power Ball number, okay.

Q Oh, the lucky number for you. Isn't faith weird. So go ahead and introduce yourself to the grand jurors, what's your name?

A My name is

Q And how old are you, ma'am?

A My age is I'm 50 years old.

Q Okay. And whereabouts do you live in St. Louis?
A I live in North County area.
Q Okay. Do you live in the Canfield Green Apartment Complex?
A No.
Q Have you ever?
A No.
Q Okay. So at this time now I'm going to go ahead and have him start the audio recording. And then I will again, , I will not refer to you by your name after that, I will refer to you as Witness Number 46, okay. And I will probably just call you ma'am while I'm asking you questions, okay?
Now, we paused the recording while you introduced yourself to the grand jurors and herein after I'm going to refer to you as Witness Number 46. And you understand that that's you today, Witness Number 46; is that right?
A (Nods head.)
Q You have to answer out loud.
A Yes.
Q I will remind you if you forget, but as I explained to you, not only are we recording what's being said in here, but the court reporter is also

taking down what's being said and he can't take it down if you shake your head yes or no. And so if I can catch you doing that, I will probably say is that a yes or is that a no, okay?

A Yes.

Q So try to remember to answer out loud. And then also you know the people at the very end of this table have to be able to hear you, okay? And so --

A Hi.

Q When you answer questions, if your voice is too low, they're not going to hear your answers and I think it is very important that they hear what you have to say, okay?

A (Nods head.)

Q And you are shaking your head yes?

A Yes.

Q And so when I ask you questions, if I remind you to keep your voice up, I'm not trying to be rude, it is just that I want to make sure that they can hear you have to say, is that all right?

A Yes.

Q And they will raise their hands if they don't hear what you are saying, okay?

A Yes.

Q Okay. So now, ma'am, um, prior to me beginning the recording, you told us the whereabouts you live, but we established that you do not live in the Canfield Green Apartments; is that right?

A Yes.

Q And have you ever lived in the Canfield Green Apartments?

A Never lived in Canfield Apartments.

Q Okay. Now, do you remember August 9th of this year?

A Yes.

Q And do you remember that that was a Saturday?

A Yes.

Q Were you working that day or were you off that day?

A I was at work, just getting off of work, going over to my house.

Q All right. And where was your house?

A She stay in Canfield Apartments, like the part of the Canfield Apartments.

Q Okay. Have you been over to her house before?

A Yes, lots of times.

Q How about anybody else in Canfield Apartments, are you friends with anyone else that lives there?

A No, I don't know nobody over there.

Q Okay. How about when you go, is it your you said?

A My .

Q Your

A I call her . We call her .

Q Okay. I'm going to call her your So have you ever been over visiting her when she's had some of the other neighbors over that might live in Canfield?

A No.

Q So to the best of your knowledge, you don't know anybody else that lives in the Canfield Apartment Complex?

A No, ma'am.

Q Now, on this day, how is it that you were driving, were you driving to Canfield?

A I was driving over to Canfield to take her to the grocery store.

Q To take who to the grocery store?

A My to the grocery store.

Q Okay. Were you going into the complex when something happened or were you leaving the complex?

A I was going into the complex.

Q Were you in your car by yourself?

A Yes.

Q And what kind of vehicle were you driving that day?

A A

Q Okay. What color was it?

A color.

Q And so, I'm sorry --

A My car got stolen after this.

Q Okay, I'm sorry about that. And so when you came into the apartment complex, did you come off of West Florissant?

A Yes.

Q Now, I'm going to let you look at Grand Jury Exhibit Number 25, which is a map. We have been using this because it shows an aerial view of the streets and the buildings of the Canfield Green Apartments.

A Uh-huh.

Q Looking at that, does some of that look familiar to you?

A Uh-huh.

Q And you are saying yes?

A Yes.

Q Okay. And don't, you don't have to worry about talking into the microphone because it won't amplify your voice, it is recording and it will pick you up, don't worry, you don't have to worry about talking to into it, okay?

A Yes.

Q Here is a laser pointer, have you ever used one of these? It has a little button right here.

A Yes.

Q And when you press it, it will point on something, okay?

A Yes.

Q So when I ask you questions, I might ask you to use that laser pointer and refer to Grand Jury Exhibit Number 25 to show us what you are talking about, okay?

A Yes.

Q All right. So now, ma'am, about what time, if you recall, was it when you came into the Canfield Apartments?

A It was like probably about like 2:00,

2:30, 2:40, I was coming into the apartment to take her to the grocery store. I just left my other job.

Q Okay.

A I was really released from work, going to take her to the grocery store and pick me up some items.

Q Were you in a hurry or was there anything about your trip that was stressing you out that day?

A No, I was relaxed.

Q It was a beautiful day?

A Beautiful, warm day, not too warm, not too hot, beautiful day.

Q So when you were driving in your car, do you remember did you have your windows open or closed?

A I had my driver's side open.

Q Were the other windows closed?

A Yes. My passenger side was half, but not fully down.

Q Okay. How about music, did you have music playing in your car?

A Yes, gospel music.

Q Do you play your music up loud or do you have it a normal level?

A It is at a normal level, unless it is a

good gospel song I want to hear, then I turn it up loud.

Q Then you crank it up?

A Then I crank up my gospel.

Q Do you remember if you were cranking up your music when you came into the complex that day?

A No.

Q You don't remember or?

A It was not turned up.

Q Okay. So when you came into the apartment complex off of West Florissant, did you travel down Canfield Road?

A Yes.

Q And on the map here, if this map went out this direction, West Florissant would be over here?

A Yes.

Q So were you traveling eastbound on Canfield Drive if that's east?

A Right, I was coming, can I show you?

Q Sure, you can sit there and use the pointer, use the pointer?

A When I come in through Canfield Apartments, the leasing office is right there, the first.

MS. WHIRLEY: Use the pointer so we can

see.

MS. ALIZADEH: Use that pointer. Where is the leasing office?

A The leasing office is right up there in the front. Say this is West Florissant right.

Q (By Ms. Alizadeh) West Florissant you can't see.

A That's what I'm saying, right over here. This is front of the apartments and Canfield Apartments, and when I turned in this front of the apartments and she stayed right back up in here. (indicating)

Q Okay. If you were able to get to your destination that day, you would have turned up this street right here and gone?

A Right, I could turn up that street right there or I can come right here and come back to the back way. (indicating)

Q Okay. So when you turned into the complex that day, did you see anything unusual?

A Well, when I turned up into the apartment complex, the first thing, when I was driving in there, I'm going to be honest y'all, God help me. The police was behind me. So most of us think when the police behind us, oh, my God, I've got a ticket,

when is the police stopping me.

So I pulled over to the side right over here before I got into the apartment complex. I said oh, my God, you know, what do he want with me, you know. I'm driving my speed limit, what is wrong. (indicating)

Q Okay. So now the police officer, was it in a marked police car that was behind you?

A Yes.

Q Did you know if it was a Ferguson officer?

A It was a Ferguson police officer.

Q Was it a car, like a sedan or was it like an SUV or was it something else?

A It was a regular police car.

Q A regular police car?

A Right.

Q Did he have his light bar on, the lights that are on top of the car?

A It was not really, it was not the sirens, what do you call the thing?

Q Was there any audible on the cars sometimes, you know, of course there's a siren, but then they also have a thing that kind of squawks or whoop?

A No.

Q You didn't hear any of that?

A Huh-uh.

Q So if you were coming into the apartment complex, you would have been traveling on the right side of the road; is that right?

A Right.

Q And so was he traveling behind you in the same direction you were going?

A Right.

Q And so when you pulled over, did you pull over to the right of the roadway?

A Uh --

Q Or did you pull off of the roadway?

A I pulled over to the right before I pulled into that apartment complex. I said oh, my, you know, I thought he was coming, I got a ticket, okay.

Q Everybody gets that feeling when you look up and you see that.

A And you see a police, I pulled over to the side and I said oh, my God, I know he got me, you know. I thought he was coming for me.

Q So use the laser pointer and point on the roadway here where you were when you pulled over?

A Right over, like right over in here. (indicating)

Q Okay. And so did the officer pull in behind you?

A No, he went around me.

Q Okay.

A I mean, he was behind me for what I'm saying, he went around me.

Q Okay.

A So I stopped. I said thank you, he wasn't for me.

Q So did you see where his vehicle went then?

A His vehicle kept going up this way about, about right there. (indicating)

Q So it stayed on Canfield Drive?

A It stayed on Canfield Drive.

Q Okay. And at that point what happened?

A And at that time it was two black guys or young men or kids or whatever they was, walking down the complex.

Q Did you recognize either of them?

A I don't even know the kids.

Q You hadn't seen them before, right?

A I might have seen them in the complex, you know, but I don't know you personally enough to wave at you or nothing.

Q Well, that's my question. Did you recognize them as having been people you had seen in the complex before?
A No.
Q So can you describe where they were? Were they in the street, on the sidewalk, in the grass?
A Mostly over in Canfield, we don't have too much of a sidewalk, you know what I'm saying? So the street thing is where everybody walks anyway because see, as you can see, Canfield don't have too much of a sidewalk. We walk in the street anyway, you know.
Q Aren't there sidewalks on either side of the street there?
A Yeah, but that's not too much of a sidewalk. There is trees and stuff over there.
Q Okay.
A So everybody is going to walk in the street.
Q So these kids were in the street and I'm going to call them kids, you call them?
A I call them kids.
Q Okay.
A Because they're kids under me.
Q And they were in the street?

A And they was in the street, and I'm looking, you know, what the police doing.

Q So let me stop you. Were the kids walking in which direction?

A They was walking up, coming up this way.

Q So they were walking?

A They was not walking towards West Florissant area, they was walking like they was going to somebody's apartment complex.

Q Okay. Use the laser pointer and show me where they were when you first saw them walking?

A Okay. When I first saw them walking, they was like over here and they was walking like this away. (indicating)

Q Okay. So they were walking into the complex?

A Not to the one I was turning into, but I mean straight down, straight.

Q Okay. You were going to turn this way, when I say into the complex, I'm saying that this is the apartment complex?

A Right, right.

Q So they were walking on Canfield Drive?

A Uh-huh.

Q And down in this direction, east on

Canfield? (indicating)

A Uh-huh.

Q Yes?

A Yes.

Q Okay. And so when you were pulling in there, you saw their backs, would that be fair to say?

A Right.

Q And did you notice anything about them, how could you describe them?

A They was black men, they was one had a cup of something in their hand, other one had nothing in their hand and they was just walking.

Q Okay.

A Like a soda, you know.

Q There were two?

A There was two guys. One looked bigger than the other one.

Q Okay. So let's call the bigger one, the bigger kid or bigger boy or bigger one and the other one we will call the smaller one, okay?

A (Nods head.)

Q So had one had a soda or something in his hand?

A The little one.

Q Could you see that it was a soda cup or could you see that it was a cup?
A It was just a cup.
Q Okay. What about the bigger one, did you notice if he had anything in his hand?
A Huh-uh.
Q So are you saying no, he didn't have anything or he didn't?
A No, I didn't notice that he had anything in his hand.
Q Okay. And so when you first saw them walking, was the police car still behind you?
A No, he was in front of me.
Q Okay. So he had already passed by you when you first saw the boys walking?
A Uh-huh.
Q And they're walking in the same direction that the police car is traveling?
A Right. Let me tell you this, they was --
Q You can use the laser if you want.
A Say that my car is right here, right. (indicating)
Q Uh-huh.
A And the two young boys or kids, as I call them, walking over here, you know, passed up your

car and you see the police was right here, okay, on the other side, because he passed around me.

Q Did the boys walk past your car?

A Yeah.

Q So you were pulled over on the side when the boys walked past your car?

A Yeah.

Q All right. So was the police officer then already past you when the boys passed your car?

A No, the boys passed my car and the police was like, how can I say, say like you right there where I'm at, okay, you walking forward and I'm the police and I'm about 10, 20, 25 feet from you.

Q Okay.

A And you're passing me up, I'm the policeman and I am right diagonally sideways of you.

Q All right. Let me stop you here. When you saw the police officer at first he was behind you?

A He was behind me.

Q Had you seen the boys yet?

A Before the police officer?

Q Before you saw the police officer?

A I seen them in my mirror, but it wasn't nothing.

Q So the boys were in your --

A Was walking, but they was not.

Q So when you first saw the boys, they were behind you?

A Well --

Q You said you saw them in your mirror?

A In the mirror, but not directly behind me.

Q Okay.

A You know what I'm saying on the side of you.

Q Okay. I thought you said that the boys were like down in this area? (indicating)

A They was up before me right on the side of you, how can I say this.

Here is your car, okay. Here is the young men right here. (indicating)

Q Let's use, let's say this is your car, don't say your car, it is your, it is my car?

A This is my car.

Q Right.

A You see the young man is right here, they are coming right here walking like this in the middle of the street, okay. Excuse me. (indicating)

Q So is West Florissant over here?

(indicating)
A West Florissant is behind me.
Q So which direction is your car facing in this scenario, this thing, is it driving this way?
A It is driving on Canfield.
Q Is it driving that way? (indicating)
A Yeah.
Q So you're facing that way?
A Okay. I'm facing this way, I'm driving up Canfield, whatever you call that street from West Florissant, the young men says right here they are walking over here, police that was behind me went around here. (indicating)
Q Okay. So let me stop you here.
A On the opposite side.
Q Let me stop you here. I don't want to try to confuse you, but in this scenario, are you driving on the correct side of the street?
A Yeah.
Q So that would have your car over on the right side of the street?
A Right.
Q So the officer wouldn't have passed you on this side?
A What I'm saying, I'm driving right here I

guess in the middle of the street or call it closer to the right side, okay. And the police did this, you pulling over so can get out of the police way. You're scared, you know how Ferguson, I'm scared of the police, y'all, I'm scared of the Ferguson police, I'm telling you.

Q Let's try to get through this where we can describe what happened, okay. And then we'll talk about that, but I want to try to make sure we understand.

You said you were driving on the right side of the road as you are coming into Canfield?

A Coming, however you say, right side of the middle.

Q In the middle?

A Right side of the middle. What I'm saying is right here, the right side, but closer to the middle, you know.

Q But you also said that when you saw the officer, you pulled over to the right?

A Right. What I'm saying is right here because I'm pulling in here, I'm closer to the right side, okay, because other people come out of the complex and come down the left side, okay.

Q Sure.

A When they come out the apartment complex. So I'm closer over here to the right side, okay.

Q Uh-huh.

A And the is behind me, so I pulled right over here closer to the right side.

Q Okay.

A To get out of his way. He comes around here and goes to the left side to go around.

Q So he if this is your car, he's passing you on the left side?

A Right.

Q Not the right side?

A Right.

Q All right. So the boys now --

MS. ALIZADEH: Yes.

. So are you saying he passed you on the side closer to the sidewalk?

A Closer to the sidewalk.

Q (By Ms. Alizadeh) No?

A No, no, closer to --

Q The middle.

: Middle line.

A Middle line.

: To the middle line, okay.

A Yeah, closer to the complex, whatever you want to call it.

Q (By Ms. Alizadeh) Okay. Now we've got the officer having passed you on your left?

A Uh-huh.

Q And then did he continue down Canfield?

A He said, the boys is right here. I don't know what he said to the boys. I really wasn't paying attention. I was into my gospel music and he said something to the boys and they kept on walking. And then as you go down here, I seen the boys right here steady walking down Canfield. The police said something to them, I don't know what they said back to them, I cannot say, you know, because I was really not paying attention. I was paying attention, but I was not listening. I was in my own, you know, listening to my gospel music. So I was not open to their conversation.

And then I seen the police stop, I don't know if he told them to stop or whatever because young kids stop right up in here, you know, go further down I'm looking, what the hell you doing, excuse my French, what the hell you doing with them kids, what did they do now.

Q Okay. So let me stop you now. The officer stops his car in the street and you said it looked like he was talking to the boy.

A Right.

Q Which side, where were the boys in relation to the officer's car?

A Towards the, how can I say.

Q Well, there's the driver's side?

A The driver's side, you closer to the driver's side, okay, but you mostly in the middle of the driver's side and the other side.

Q So they were on the side of the car?

A Not directly on the side, this is your car, right. Here is your driver's side over here. We'll say driver's side right here, okay. And here is the middle side so they directly in the driver's side, driver's window right here. I'm right here. The center of the driver's side. (indicating)

Q So were the boys in front of the car?

A Half, yes. So mostly towards the driver's middle, you follow me?

Q Not really.

A Anybody follow what I'm saying?

Q So you said the boys were talking to the officer, were they at the driver's window talking to

them?

A They was not at his window, he was over, okay.

Q You know what, it is too hard for us to use this because they can't really see what you're doing.

I'm going to do my best to help you to explain it, okay? It's just, I think it is too difficult, they are not going to be able to see what you're doing, but if you --

A You know what I'm doing, don't you?

Q If the officer is driving his car, right?

A Right.

Q And the driver's seat is on the left side of the car?

A The driver's seat is always on.

Q The left side of the car; is that right? Yes?

A I got to think how I drive my car.

Q In America the driver's seat is on the left side of the car?

A Yeah.

Q And so if the officer stops to talk to the boys, did he get out?

A No, if it's on the left side, he was

talking to the boys, I don't know what he said to the young men.

Q Uh-huh.

A Okay. And he slowed his car down and I'm looking what's going on here. And at that time the police got out of his car and I'm looking, what the hell is he getting ready to do with these kids?

I thought, now wait a minute, this is Ferguson police, what's going on because we scared of our police. I'm scared to be here because of the police.

Q Ma'am, let's try to keep on track. I don't want you to get emotional, you are doing fine, okay. I know you are doing fine, so let's try to push forward and we will talk about, I know you don't like the police and you don't want to be here. If we can get through this, it will be better because you will be done, all right. You understand?

I'm not trying to be mean, I don't want you to get emotional because that makes it difficult for you to tell the jurors what you know, okay?

Okay, so let me --

A Give me strength, Lord, give me strength,

Jesus.

Q Let me have you keep going with what you saw. You said the officer got out of his car?

A Yes, ma'am.

Q And am I correct in assuming he got out of the driver's door?

A Yes, ma'am.

Q What did you see happen?

A He walked up to the police, I don't know what was said or what.

Q Who walked up to the police?

A I mean, the police walked up to the young men.

Q Okay.

A I don't know what was said or whatever. Then the police went back, was going to his car. I guess they was arguing or something because the boys was saying something to him and stuff, and I'm looking here go another Ferguson incident. And the police kept talking to the boys and the boys were steadily walking, and the police was talking to them or fussing at them or whatever.

I'm looking at this and I'm looking what the heck is going on. So I kind of turn my music down to try to hear the conversation, and

which I really couldn't hear. I had my windows down. I said, Lord, what's happening now. Next thing I know, I turn my head to answer my cell phone, turn my head, I bent down to pick up my cell phone off my seat and that's when I seen the police pull a gun out.

So I seen a little, I guess they was fussing, you know, or whatever, but I seen the police pull his gun and I'm saying, what's the hell going on, excuse me.

Q That's all right.

A I'm talking to this lady here. So I said, what the hell is going on. And it was a, I don't know, the one little boy, the little small guy ran behind on the side, of the other side of the police car. And the Big Daddy, I call him Big Daddy.

Q You call him what?

A I call him Big Daddy, I'm just using big names.

Q Big Daddy?

A I don't know him, but we usually say Big Daddy.

Q Okay.

A And Big Daddy and the police officer, this guy, they was arguing.

Q Now, is the officer, you've already said the officer got out of his vehicle. Is he still outside of his vehicle when they're arguing?

A Uh-huh.

Q Yes, okay. So is his car door still open?

A Uh-huh.

Q You said he walked back to his vehicle.

A When he got back to the vehicle, when he got back to his vehicle, I can't use you.

Q No, no, he's can't, he's got --

A I was going do grab his arm, I can't use him. But when I walk back to my vehicle, okay. I had one of the boys steady talking to me and I'm talking to them. So then when I turn back to the vehicle, me and you is doing a little tussling.

Q Now, you were just, in describing that, you were pretending to be the police officer?

A Right, I'm the police officer and I'm sitting up, what's going on here. And next thing I'm seeing, hear a noise and the little boy had, which is the little guy, was hollering, saying something and the big guy was steady fussing at him, and they are walking back towards the car, police car, not mine. The police car.

And next thing I know that the

policeman pulled his gun, like I told you, and start firing.

Q So was the police officer outside of his car when he was firing?

A Uh-huh.

Q Yes?

A (Nods head.)

Q And what or who was he firing at?

A He fired at the Big Daddy.

Q How far away was the Big Daddy when he was firing at him?

A By this time Big Daddy, he's aware from the car, he's laughing at me. Big Daddy was away from the car, and he was walking, the other guy, the little small guy, he was steady walking too. He walked on the opposite side.

So Big Daddy was walking in front, I don't know what he said. The only thing I heard he said, I ain't got nothing. And I'm looking, what the heck is going on here.

Q So you heard Big Daddy say to the officer, I ain't got nothing?

A Right.

Q Okay. Have you ever told anybody that you heard him say that before?

A The people, the FBI -- the people I talked to.

Q You told the people that you talked to before and they were recording your statement, right?

A I guess they did.

Q Okay. That's fine.

A So by this time I'm sitting up calling people, something happen y'all, Ferguson police messing with our young men again.

So everybody was telling me what's wrong. I said I don't know, you know how these police over here. Something is going to happen, y'all. And everybody was saying, what's happening? I'm saying, I don't know.

Q Okay. Let me stop you. Who are you talking to?

A I told you I picked up my cell phone and I started dialing numbers, that's what I just said. And I called and I said, something's happening with these police over hear, they are messing with our young men again. And everybody was telling me what's wrong. I said, I don't know, but by this time the police pulled his gun out.

Help me, God, please.

Q Did you see the officer fire his gun?

A (Nods head.)

Q All right. You are shaking your head yes?

A Yes, ma'am.

Q All right. And did you see whether or not that bullet hit anybody?

Do you think that the bullet hit anybody after that first shot?

A The first shot, I don't think it hit anybody.

Q Okay.

A But I seen the little boy when he turned back around he said, I didn't do nothing, I didn't do nothing. He's got his hands up like this and the other guy ran the other way, the small guy, and the police just fired again. There about, I'm trying to think about 20 or 30 feet, 25 feet from me to you.

Q There was 25 to 30 feet between the big guy and the police officer when he fired again?

A Uh-huh.

Q Okay. Was the officer still out of his car?

A Uh-huh.

Q And you're saying yes, right?

A Yes, ma'am.

Q Okay. Do you remember when you talked to the detective and that was, we talked about that before you came in, do you remember talking to Detective at the NAACP, and you are shaking your head yes?

A Yes, ma'am.

Q Do you remember telling him during your conversation that I heard, I've seen them when they was talking to the police and I thought it was just a friendly talk.

A I did, I didn't know.

Q Hang on, okay. Do you remember saying, so the next thing I see the police reach out his car and I seen one boy run behind the police car on the side of the police car.

Do you remember telling them that? So when you told them that before you said the officer was inside the car and you put his gun, reached out the car with his gun for the first shot?

A Right, but it was not, he was out of the car.

Q So your memory is that he was actually outside of the car when he did the first shot? You are shaking your head yes?

A Yes, ma'am.

Q Okay. And you also didn't mention at any time when you were talking to Detective about the boy saying anything, do you remember when you said, did you remember telling him about the boy saying anything when they were at the car?

A They was talking, like I told y'all, they was talking to the police, I thought, like I'm telling you just like I talk to you.

Q Okay.

A We think friendly conversation, or whatever, like I told you y'all just know. I don't know what they're talking about.

Q Okay. But I just want to clarify, today you said you heard the big guy say, I don't --

A That's after he got up further, the big guy said, I ain't got nothing.

Q We jumped ahead then. We're still at the car and you heard one shot, the officer is outside of the car, he fires one shot, but you don't think it hits Michael Brown or the big boy at that time?

A Right.

Q What does the big boy do after that first shot goes off?

A He started walking up, further back towards the apartment complex.

Q Okay. Was he walking in street or did he walk off of the street?
A In the street.
Q Does he stay on Canfield Drive?
A Yes.
Q Was he walking east then in that direction?
A Yes, ma'am.
Q Okay. How was he walking, was he running, was he jogging, was he sprinting fast?
A No.
Q How was --
A Walking fast.
Q Walking fast. Okay. So he's walking away from the police officer?
A Right.
Q Now, the officer's out of his car you've already said?
A Right.
Q So what does the officer do as the big guy is walking away from him?
A He was saying something to the young men, I wish to, God knows I wish I would have heard everything, but I was into my music.
Q Now, you said you turned your music down?

A I turned my music down, but not completely off down.

Q Okay.

A Enough so I can still hear the bass, you know what I'm saying? Down low music.

Q So do you think the officer said something then after the big guy started to walk quickly away?

A Yes.

Q Could you hear him say something?

A I heard him, you know how you can look and see conversation being done, but you cannot make out what is done, you know what I'm saying?

Q Yes, that's what I'm trying to get at.

A Right.

Q So you couldn't make out the words?

A Right.

Q Could you hear something, like (indicating) could you hear something and just couldn't make it out?

A I heard when the boy screamed out, I ain't got nothing.

Q Okay.

A He didn't say it as a low tone of voice.

Q Okay. That's jumping ahead. I'm talking about Michael Brown is moving away from the officer.

The officer is outside of his car and I said what does the officer do, and you said the officer, you heard him say something, but you couldn't make it out?

A Right.

Q Is that something you actually heard or is it something you assumed because of the way he was acting?

A It was something I heard, you know, no way, the police move, you know what I'm saying. When you are talking to a person.

Q Okay. So you heard the officer say something, but you didn't, you couldn't tell what he said?

A I could not tell what it was.

Q Okay. And what did Michael, I'm sorry, I keep wanting to call him Michael Brown, you know that is his name, correct?

A Right.

Q You know who we're talking about?

A I call him Big Guy. I don't know these.

Q Okay. So when the officer says something, what does the Big Guy do, does he continue to walk away from the officer or does he stop at that point?

A They was communicating at first.

Q Who was?

A Michael Brown and the little small guy, what's his name.

Q So let's just call him little small guy, you don't know his name, right?

A No.

Q So we'll just keep calling him the little small guy?

A The little small guy and Michael Brown is Big Daddy.

Q So they were communicating?

A With the police.

Q Have we gotten back to the beginning of this then because we've got, you already said the little guy ran?

A When the boy, we are at the middle right now when the little boy was talking, he was talking to Big Daddy, okay, Michael Brown, okay. And the little small guy was there too. I don't know where little Brown, little Brown, little small guy was saying to the police officer. Little Brown started walking slowly, Big Daddy started walking faster.

Q Is this before any shots or after shots?

A Before.

Q Okay. And that's kind of a problem

because it is difficult to follow what you are talking about if we keep skipping around. I want to take this a step at a time so we can be sure.

A I want to get it over with, I'm scared, I'm scared now.

Q Let's push forward. So when Michael Brown was moving away from the officer, when Big Daddy was moving away from the officer and you said he was walking quickly. Was his back toward the officer then?

A At the time his back was towards the officer.

Q Okay. What happened then?

A With his back, he kept walking forward, the other guy was walking, how can I say, to the side of the police car. They wasn't together.

Q Okay.

A They was together, but one walking on the other side, you know what I'm saying? One walking on one side and the other one was walking.

Q Okay. What happened then?

A And that's when the policeman start fussing, I mean not fussing, communicating with them. And they was communicating back and the Big Guy, I guess, walked away and the police start

firing.

Q Okay. Let me ask you. You said that Big Guy, I don't know what word you used, what's the word you used? Sounded to me like you said murder-cate, what did you say?

A I said Big Daddy.

Q Big Daddy, communicate?

A Communicate.

Q All right, sorry. I just want to make sure I'm clear. Who is communicating with who?

A Communication was with Big Daddy and the police.

Q Okay.

A And the other boy was saying something, the little small guy was saying something.

Q Okay.

A But the police was looking at like I'm looking at you.

Q Now, is this before or after Michael Brown has already started to walk away.

A While Michael was walking.

Q So what happens then?

A The other guy was walking, Michael's walking here, your friend walking on the other side, but he's not directly right next to you, you know

what I'm saying? You're not directly right next to me, you are a little farther away from me.

Q Okay. And what happened then?

A Help me, Jesus, help me, Lord. Give me strength.

Q How far did Michael Brown walk, can you show with the pointer on the map, laser pointer how far you saw him walk?

A I'm sorry, y'all, please forgive me.

Q I just want help you get through this because I know it is tough for you, and if we can get through it, you'll be done, okay. So here is the pointer, show me how far Michael Brown walked?

A Okay. They was like up about, okay, say he was right here, I'm over here on the side, they are over there. They walk around here to the middle of the complex thing, or whatever y'all call it, street thing. About right up in here. About how can I say. (indicating)

Q Okay. You pointed that's fine, you said right up in here. So this is about at the intersection of Canfield Drive and then?

A That's what about 20, 30.

Q The eastern leg of this horseshoe like?

A Right.

Q All right. So what happened then when he got to this point?
A The police start shooting.
Q Was Michael Brown still, was his back still toward the officer at that point?
A Can I do it?
Q Yes.
A Okay. Say the police car here and I'm walking, steadily walking fast and then I'm turning around and then I ain't got nothing, and he kept walking. You see what I'm saying?
Q Okay.
A Say this is Michael. You are right here, this is police car, right. And I was walking fast and you saying something to me and I turned, I ain't got nothing, I ain't got nothing like that, he kept walking and the other guy is you, you walking over there, you my friend, hi friend. But you my friend and he's walking on the other side of me.
Q Okay.
A He kept turning around like I don't know what the police said. He said I ain't got nothing, what do you want. I heard that he said it in a very large tone of a voice. And I just turned around and start calling, you know I was scared because I

didn't know what's going to happen.

Q Okay. So after the boy had turned around and said he put his hands up and said I ain't got nothing, and you demonstrated kind of in a manner like to show your hands like you didn't have anything in your hands?

A Right.

Q And then he kept walking and then what happened?

A And the police start firing.

Q Okay. Was the boy still walking away from the police officer when he starts firing?

A Michael stopped right there, and I don't know if the man said halt, because you was walking like this and when you turn around, I ain't got nothing man, I ain't got nothing like this. Next thing I know, I just start hearing shots going.

Q Okay. So the shots happen after Michael Brown turns around?

A The first shot was before when, like I said, before he started.

Q Okay. How many shots do you think you heard?

A I'm scared of bullets.

Q I think we're all scared of bullets.

A Okay. You can shoot, I'm going to run up and hide on the floor, okay.

Q Did you hide, you told the police that you put your head down?

A I put my head down when I heard the second shot, not all the way down. I did my head like this on my driver's, on the steering wheel. Because I'm used to, when I'm young, my parents used to say you hear a bullet, hit the floor.

Q So there was a time that you had put your head down?

A Right on the thing.

Q So did you see Michael Brown fall on the ground?

A I seen when after, yes.

Q Okay.

A I seen, I mean. The police just stand over him and kept shooting like this. (witness starts crying) Jesus, help me.

Q Do you need to take a break? You want to take a break for a couple minutes?

A Lord help that child, help me Jesus.

Q Do you want to take a break for a couple minutes?

A Yes.

Q I don't know what time it is.

MS. ALIZADEH: We are going to take about a five minute break. It is 3:49.

(Recess)

MS. ALIZADEH: We're back on the record and we took a few minutes for a break. While Witness Number 46 needed to kind of have a break to collect herself. And she has asked if me could she come in here and try to finish explaining what she saw. So rather than me ask you questions, I felt like maybe I was upsetting you. I'm going to let you just finish telling what you saw. And if they have questions, they can ask you, okay. This is their investigation and they will ask you questions if they need you to explain, okay.

A Yes.

MS. ALIZADEH: So Witness Number 46, why don't you start from where you said the officer was, Michael Brown is moving away from the officer and the officer starts shooting and then you can pick up, that's kind of where we were and you can just finish or keep going from there, okay.

A Okay. Michael Brown, which I call Big Daddy, the police fired and the young man turned and said I don't have anything. I don't know what their

communicating mean I don't have anything, but he said it loud, not in a low tone voice, in a holler voice is I don't have anything.

And the other young man, which is small ball, he was on the other side, but he was diagonally like a distance from like me and you.

And the young man kept walking fast and the police had shot one shot, I don't know where it hit or what, because at that time I put my head down behind, you know, the wheel. I raised back up and the police just kept firing and the second shot, which I seen that hit the boy cause he jumped. I don't know where it hit him at, but it hit the boy. And the police just kept firing and saying something to the boy, and kept firing. The boy kept saying, I got, my hands is up, I don't have anything, what do you want.

And next thing I know, I don't know where it hit, but when the boy fell, there was blood shot everywhere.

And the police just stand over him and shot him like he playing darts at a board. At that time the police, the other boy was gone, not gone, but standing and off to the side. Mostly toward the passenger side of the street.

And when the policeman kept shooting at him like he's a dartboard, I got out of my car, and I went to the police I said, can I help the young man, can I please help him, he's bleeding. The police told me.

MS. ALIZADEH: You can say the bad word.

A The police told me, get the fuck away from over here. When he told me that, I turned around and I said, you ain't said nothing but a word. So I jump back in the car, this time I started panicking.

So I pulled my car into the complex, I call my and I told her I just seen a boy got shot. For what, I said I don't know, I don't know, he's shot. He's in the street. She said what street, I said right on the side of your house, and they said they heard gunshot, so everybody started coming outside.

By this time a young man, I don't know who he is, gave me a cigarette. I haven't smoked a cigarette since I was young. I smoke now. I took the cigarette, I smoked it and then I asked for more cigarettes, the guy gave me three cigarettes. I smoked it, I walked back up there, after the police told me to get away.

By this time it was like a crowd of

people, and this is before they put that orange tape around or yellow tape around, and I asked, I said what is going on here. Everybody was hollering and stuff, everybody was crying this, somebody said call the police, and one lady said that is the police.

And the only thing I just remember from that that I was screaming and hollering, people was hugging me, I don't even know nobody out there besides my .

And I told them, like I told Kathi and the other lady, if I could have saved him, because , I thought I could save him, I wanted to save him, not because he was bleeding, because any time, say for instance if you look at, what if that's your child laying on that ground. What if that's your daughter laying up there that the police shot. What would you do. Would you sit there and see somebody else's child that I don't even know lay on the ground?

Flashbacks went in my mind. That's my boy. I don't know these kids, but just think y'all, what if that's your boy. Picture your boy laying on that ground. Picture that blood running out of your boy's face. Picture that boy's arms wide open and saying whatever, you know. His hands

up in the air.

Take your time right now and close your eyes, please close your eyes, close your eyes for a minute, please. And just think that's your child, your nephew, your daughter, laying on that ground. What would you do, would you sit there and let them bleed?

Would you ask them, can you help them?

MS. ALIZADEH: Now, ma'am, when I told you, you had said that to me outside and I told you that we know that that boy when he was shot in the head, he was killed instantly. There is nothing you could have done to save him.

A I feel that maybe I could have stopped the bleeding, sometimes now after that happened, I feel it was my fault. Maybe I should have been speeding so the police can stop me.

MS. WHIRLEY: Let us see, Number 46, if there are any questions though, okay?

A Ferguson police, I'm scared y'all. I go to my now, I'm scared. A week after that, my got stolen. I don't know if it with this stuff, I don't know what it was. But I know y'all if whatever you do, please help our

police department. I'm scared of my own police, you know, police is supposed to be your best friend.

MS. WHIRLEY: We're just going to see if there are any questions, Number 46. Are there any questions from any of the jurors? No, okay. We really appreciate you coming in.

(End of the testimony of Witness Number 46.)

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q This is Kathi Alizadeh and I am with the prosecutor's office as well as Sheila Whirley is present, all 12 grand jurors are present and so we are having our final witness for today testify.

Can you state your name, please?

A My name is .

Q And I'm going to stand back here, , because you are kind of soft spoken. The microphone that's in front of you does not

amplify your voice. So it is not going to help you to speak into it, so speak loud enough so that people all the way back here would be able to hear you, okay?

A Yes, ma'am.

Q , how old are you?

A I am years old.

Q And where do you live, you don't have to give me your address, do you live in Missouri?

A No, ma'am, I stay in .

Q Okay. And back in August of this year, where were you living?

A On Canfield Drive.

Q Okay. Would that be in the Canfield Green Apartment Complex?

A Yes, ma'am.

Q And who did you live there with?

A .

Q So did you have an apartment with

A Yes, ma'am.

Q And I'm going to direct your attention to a map that's Grand Jury Exhibit Number 25. And right here is a laser pointer. So if you press that button, the dot comes out and can you use that and show the grand jurors? Does this look familiar to

you, the street of Canfield Drive that cuts through?
A Yes, ma'am.
Q And this is over in this direction if you went and drove this way is West Florissant?
A Okay.
Q Can you show where your was?
A (Indicate.)
Q So you pointed right here, is his apartment face Canfield?
A Yes, ma'am.
Q All right. And so were you home on, or at your dad's, were you living there or were you just visiting?
A I was living there.
Q Okay. Did you know many people in the Canfield Apartment Complex?
A No, ma'am.
Q How long had you been living with your at that point?
A About a month.
Q Okay. Were you working or going to school?
A No, ma'am.
Q Do you, now, you know that we're here

regarding the investigation of the shooting of Michael Brown?

A Yes, ma'am.

Q Did you know who Michael Brown was before this day?

A Something like that.

Q Okay. How is it that you knew Michael Brown?

A He's a friend of a friend.

Q And who is the mutual friend that you have?

A His name is .

Q ?

A Yes, ma'am.

Q So you met Michael Brown through your friend,

A Yes, ma'am.

Q And so how well do you think you would say you knew Mr. Brown?

A I didn't know him very well.

Q So would it be accurate to say you guys were just acquaintances?

A Yes, ma'am.

Q Did you know his last name?

A Uh, no, ma'am, I didn't.

Q All right. What did you call him, what was his nickname or did you call him Mike?

A I mean, we only saw each other one time. So I didn't really say his name at all.

Q Okay. Had you seen him in the complex?

A No, ma'am.

Q So you just met him the one time and that's the only time you'd seen him?

A Yes, ma'am.

Q Did you tell officer's previously that you called him, you believed him or knew him to be Mike-Mike?

A Yes, that's what everybody called him.

Q Mike-Mike?

A Yes, ma'am.

Q So on the 9th of August of this year, which was a Saturday, were you at your apartment that day?

A Yes, ma'am.

Q And you remember was anything special about that morning?

A No, ma'am.

Q Did you have any special plan for that day?

A No, ma'am.

Q And did something during the day direct your attention to the outside?

A No, ma'am, I just go outside every day.

Q So you were hanging outside or did you go outside to go see somebody?

A I was just hanging outside.

Q Okay. So your unit being right here, I know we know there's three floors to each building?

A Yes, ma'am.

Q What floor was he on?

A The second.

Q So when you say you were outside, were you like on the balcony or were you down elsewhere in the complex?

A I was on the balcony.

Q Okay. Were you by yourself?

A Yes, ma'am.

Q And what were you doing?

A Just looking around.

Q Watching people?

A Yes, ma'am.

Q Okay. And so did something happen that you thought was unusual or drew your attention?

A No, ma'am.

Q Okay. Did you go back into your apartment?

A Yes, ma'am.

Q And why did you go back into your apartment?

A Because I had to go get my cell phone.

Q Why did you have to get cell phone?

A Because of the Michael Brown incident, I was going to go record it.

Q Okay. So let's get back and that is kind of why I was trying to get at while you were outside, an incident started; is that right?

A Yes, ma'am.

Q Okay. And so tell the grand jury, or I'm going to let you kind of tell your narration and then if need be, we'll go back and kind of clarify things.

Why don't you tell them what you saw while you were standing on the balcony of your apartment?

A Okay. Well, as I was sitting down, I notice Mike Brown and another young man walking down the street. They were in the middle of the street, and then moments later a police cruiser pulls up. I'm not sure if they exchanged any words or

anything, but that's when I went in the house to go get my cell phone. I heard a gunshot and I rush back outside, and I went to the other side of the balcony and that's when I seen Mike Brown turning around holding his wounds and then the police officer continued to fire.

Q Okay. Keep your voice up, I know it is natural for you to kind of talk to the person that's closer to you, and your voice kind of goes down. Will you do that? Make sure you are talking so we did hear you back here.

I'm sorry to interrupt you, but go ahead, you said, and I missed part of what you said. So you said when you came back out after getting your cell phone, let's start at that point.

A Came back out from getting my cell phone, I seen Mike Brown holding himself, like holding his wounds. And he turned around and took, I guess, like a step towards the officer, whether he was lunging forward because he was falling from his getting shot. I know the officer just kept firing. And as he was going to the ground, the officer fired a couple more shots and then that was it.

Q Okay. So during this whole incident, other than to go in to get your cell phone, did you

stay on the porch or the balcony, what do you call that area that's right outside the front door?

A The balcony.

Q The balcony. Did you stay there during that entire incident other than like you said, you went in to get your phone?

A No, ma'am.

Q Where did you, where did you go?

A I just went in the house and back outside.

Q Okay. Was that, I'm talking about you've already said that you were outside and you see a please officer and some boys?

A Yes.

Q And at this point you hadn't heard any gunshots, right?

A No, ma'am.

Q Then you went in your house to get the phone?

A Yes.

Q While you were in your house, you heard a gunshot?

A Yes, ma'am.

Q And then you come out?

A Yes, ma'am.

Q So from the time you come back out until

Mike Brown is lying in the road, did you stay on your balcony?

A Yes, ma'am.

Q Okay. And so, um, so can you use the laser pointer, so you stayed right around this area and can you show the grand jurors where the police car was when you first saw it?

A Around this area. (indicating)

Q Do you recall what direction it was facing?

A It was facing towards this way. (indicating)

Q If this is east and the police car was facing east?

A Yes, ma'am.

Q Now, when you looked, when you first noticed it, was it standing still or was it moving?

A It was standing still.

Q Okay. So you didn't notice anything before you looked and you saw the police car standing, or not moving and it was in the middle of the street?

A Correct.

Q And where were the boys when you first saw the police car?

A Um, they were sort of kind of in front of it.

Q Okay. Were they walking or standing still?

A They were walking.

Q And which direction did it look like they were walking?

A They were heading east as well.

Q Okay. So they were going in that direction as well?

A Yes, ma'am.

Q And so from your vantage point then, could you see the driver's side of the car?

A No, ma'am.

Q So you are looking at the passenger side?

A Yes, ma'am.

Q And so could you see the officer inside the car from that at this point from your balcony?

A No, ma'am.

Q And so you said that you saw the two boys and the officer appear to have some kind of communication?

A Yes, ma'am.

Q Could you hear what was being said?

A No, ma'am, I was too far away.

Q Could you hear anything like, you know, words, but you couldn't make it out?
A No, ma'am.
Q No screaming?
A No, ma'am.
Q Okay. And what, if anything, could you see going on while the boys were at the vehicle?
A Just look like they were talking.
Q Okay.
A Like exchanging a few words and that's when I went to go get my cell phone.
Q Okay. Can you give me an idea or an estimate as to how long you were in the house getting your phone before you came back out?
A Probably about 30 seconds to a minute.
Q Okay. And while you were inside is when you heard the first gunshot?
A Yes, ma'am.
Q And then did you come right out after that?
A Yes, ma'am.
Q Did you have your phone with you?
A Yes, ma'am.
Q Did you start videotaping anything?
A No, ma'am.

Q And so why did you go in to get your phone?

A To videotape, and actually to check it too. I usually don't go outside without bringing my phone, I just happen to leave it in there.

Q So you went in to get your phone because you thought maybe something was going to happen and you wanted to record it?

A Yes, ma'am.

Q And then you went in, you got the phone, you hear a gunshot when you came out, but you didn't start recording?

A No, ma'am.

Q Why not?

A Because it all happened too fast.

Q Okay. Too fast for you to really react?

A Yes, ma'am.

Q And so when you came out after hearing that first gunshot, where was the officer? Was he still in the police car or was he outside the police car?

A He was outside the police car.

Q And where was Michael Brown?

A He was right across from me.

Q Was he standing up in the street or was

he, is this a point where he's down in the street?
A He was standing up.
Q Okay. What about the littler guy, where was he?
A He was nowhere to be found.
Q Okay. So he somehow disappeared from your view?
A Yes, ma'am.
Q And did you ever see him again during the incident?
A No, ma'am.
Q Okay. So when the officer, you come back and the officer is outside of his car, is the door, driver's door of his car open, do you recall?
A I don't remember, I didn't look at the police officer's car.
Q Did you notice, did the officer have the lights on on top of his car?
A Not that I remember.
Q All right. And when, so you said you saw the officer out of his car and Michael Brown was right there, can you describe for the grand jurors like where they were in relation to the officer's car?
A They were probably about a good 10 feet

from the officer's car.

Q So who was closer to the car, the officer or Michael Brown or neither?

A The officer, where they was probably directly across from each other, I probably say the officer was.

Q Okay. So was the officer, if he's standing next to his car, was he facing the rear part of his car or was he facing the front part of his car or was he directly facing the car?

A Here was, can you repeat the question, please?

Q Sure. If this, for example, is the officer's car and the officer is outside of the car now, is he facing his vehicle as I'm facing this now, or if this is the front of the car, is he facing the front of the car, is he facing away from his car or is he facing the rear of his car or something else?

A Well, they weren't by the car at that point.

Q You said they were about 10 feet away?

A Yes, ma'am, but he was facing towards Mike Brown. They were --

Q Were they facing each other?

A Yes, they were facing each other.

Q Did you see the officer's gun at this point?

A Yes, ma'am.

Q Where was the gun?

A He had it drawn.

Q Okay. So it was out of his holster?

A Yes, ma'am.

Q Do you recall which hand it was in?

A No, ma'am.

Q And how was he holding it?

A I don't recall.

Q So you don't recall if it was by his side, if it was pointed?

A It was pointed, I know that.

Q It is pointed?

A Yes, ma'am.

Q Okay. And so, and Mike Brown is facing the officer at this point?

A Yes, ma'am.

Q How far away from the officer is Mike Brown?

A Probably about seven or eight feet.

Q Seven or eight feet?

A Yes, ma'am.

Q And then what happens?

A And then the officer starts to fire.

Q Okay. And does he fire in the direction of Mike Brown?

A Yes, ma'am.

Q So the officer is outside of the car?

A Yes, ma'am.

Q And he's seven to eight feet from Mike Brown at that point?

A Yes, ma'am.

Q Do you see if he hits Michael Brown?

A Judging from Mike Brown's reaction, it looks as if he hits him.

Q Okay. Did you see any blood?

A No, ma'am.

Q So can you describe, or even if you can demonstrate what you mean when you say judging from Michael Brown's reaction?

A Well, he was holding his wounds as the officer was firing, he started to fall towards the ground. He fell to his knees first and then collapsed all the way.

Q Okay. So let's, I think I understand that there's a section missing here, so you said the officer's vehicle was stopped here?

A Yes.
Q Did he ever move that car?
A No.
Q So when you came back out and you saw the officer and Michael Brown facing each other, and the officer had his gun drawn, can you use the pointer and show me where on the map they were?
A This area right here. (indicating)
Q And so what do you see happen then?
A I see the officer use excessive force to take down Mike Brown.
Q Okay. So let's back up a little bit. You said Mike Brown was standing facing the officer and it looked to you like he, the officer fired at him and it looked like he was hit?
A Yes.
Q And you describe that Michael Brown looked like he was holding his wound at this point?
A Yes.
Q Was he holding his wounds before the officer fired the shot that you saw or did he grab his wounds after that shot?
A He was holding before.
Q Before?
A Yes.

Q Can you demonstrate to the grand jurors how you saw Michael Brown holding himself? Can you stand up so they can all see you?

A Like this. (indicating)

Q So you have your right arm across your torso, a little bit above your belly button area?

A Yes, ma'am.

Q And so you said Michael Brown had his arm in that fashion and the officer fired a shot that looked to you like it hit him?

A Yes.

Q And then what did Michael Brown do then?

A It looked like he just took the impact and the officer kept firing and then that's when he started to fall towards the ground.

Q Okay. Now, did you say a little bit ago you saw Michael Brown take some steps?

A I seen him take one step.

Q One step?

A I don't know if he was taking the step or if he was just, you know, falling forward.

Q Okay. And so you only saw him take one step?

A Yes.

Q And this is first thing that you see when

you come back out of your apartment is that they are already at a point somewhere around here. You said where they're facing each other and the officer fires and then Mike Brown lands at that point on the ground?

A Yes, ma'am.

Q Okay. So whatever happened from the time you saw Mike Brown at the vehicle until they're here, you didn't see any of that?

A No, ma'am.

Q And so how close did you say that the officer was eight to ten feet away from Michael Brown when he was firing the shots?

A Seven to eight feet.

Q Seven to ten. Did Michael Brown, did you ever see him put his hands up in the air?

A No, ma'am, I did not see that.

Q But like I said, there's parts that you didn't see since you come out and at this point Michael Brown already has his hand here? (indicating)

A Yes, ma'am.

Q If he had his hands up prior to that, you didn't see it?

A No, ma'am.

Q And you didn't see him running from the officer?
A No, ma'am.
Q Now, you said, did you see, did you ever see him run from the officer?
A No, ma'am.
Q Okay. From the first gunshot that you heard while you were inside, is the next gunshot you hear the one that you see when he fires, when he's face-to-face with him?
A I'm not, I don't remember.
Q Okay. How many total gunshots do you think you heard?
A Six or seven.
Q And you said that you saw Michael Brown fall forward?
A Yes, ma'am.
Q Did he fall to his knees first or did he just fall straight down?
A He fell to his knees first.
Q Okay. Did he remain on his knees for any amount of time even if it was a couple of seconds?
A Yes, ma'am, it was probably a couple seconds.
Q Okay. So he fell to his knees, did the

officer continue to fire?

A Yes, I think he let go one more shot.

Q And then you saw Michael Brown from his knees, then did he fall forward?

A Yes, ma'am.

Q And when he was on his knees, did you see him put his hand up?

A No, ma'am.

Q And when he was falling forward, did you see him put his hands up?

A No, ma'am.

Q So when you saw him, he had a hand across his torso?

A Yes, ma'am.

Q What was the other hand doing?

A I'm not sure, I couldn't see.

Q Okay. And did he keep his hand in the position that you saw his hand the whole time you saw him?

A Yes, ma'am.

Q Did he fall that way with his hand across his torso?

A Yes, ma'am.

Q Did you, after he fell to the ground, did the officer continue to fire?

A No, ma'am.
Q Did you see what the officer did then?
A No, ma'am.
Q And why not?
A I was too busy looking around to see if anybody else saw what I saw.
Q Okay. And did you see other people around there?
A No, ma'am, not at the time until like after, you know, a couple of minutes went by and then I saw other people start to come outside.
Q Okay. Did you see, now you're in this building, right?
A Yes.
Q Did you see anybody on the balconies over here?
A No, ma'am.
Q And did you see cars, how about cars on the street that might have been stopped?
A No, ma'am.
Q Did you see cars in either direction?
A No, ma'am, I didn't see any cars.
Q And, okay, so let's clarify. Are you saying that there weren't cars there or you saying you don't know if there were cars there?

A I don't know if there were cars there.
Q Okay. And the same thing with somebody being on the balcony here, are you saying there wasn't anybody on the balcony next to you or you saying you don't know if there was?
A I don't know if there was.
Q Okay. And then did you see the officer who did the shooting, did you see him approach Michael Brown's body after he fell on the ground?
A I don't remember.
Q Okay. Did you see what he did after that, after Michael Brown fell on the ground?
A I don't remember.
Q During the time you saw the initial encounter until Michael Brown was dead on the ground, did you see any other police officers?
A No, ma'am.
Q Did you see any other police cars?
A No, ma'am.
Q Eventually did other police officers and cars come?
A Yes, ma'am, eventually.
Q Did you go down to the street afterwards?
A No, ma'am.
Q Did you stay up in your apartment?

A Yes, ma'am.

Q And the next day you left is that right?

A Yes, ma'am.

Q You had somebody, a family member drove you ?

A Yes, ma'am.

Q Was that because of this that you felt you needed to get

A No, ma'am.

Q So was this already planned that you were going to ?

A Yes, ma'am.

Q On the ?

A Yes, ma'am.

Q But at some point, somebody came and discovered that you had witnessed this?

A Yes, ma'am.

Q You didn't talk to the police that day?

A No, ma'am.

Q Why not?

A I really didn't want to be involved with the whole entire situation.

Q Had you ever had a bad experience with the Ferguson police officers?

A No, ma'am.
Q Did they have a good or bad reputation or if you know?
A I'm not sure.
Q Okay. So you not wanting to be involved is just because you just didn't want to be involved or was it because of distrust of the police officers or?
A I just didn't want to be involved. I didn't want that attention.
Q Do you know how it was that the police found you?
A No, ma'am, I don't.
Q But eventually on August 18th, you recall a couple FBI agents coming to talk to you ?
A Yes, ma'am.
Q Did you tell them what you saw?
A Yes, ma'am.
Q And now you actually here with your mother to testify in this case; is that right?
A Yes, ma'am.
Q And did you do that willingly?
A Yes, ma'am.
Q And you met with the FBI, was it yesterday?

A Yes, ma'am.
Q And you made a recorded statement with them?
A Yes, ma'am.
Q Okay.
MS. ALIZADEH: I don't have any more questions. Sheila?
MS. WHIRLEY: Thank you.
Q (By Ms. Whirley) Why do you say it was excessive force?
A After the first shot, it's excessive.
Q I'm sorry?
A After the first shot that was excessive.
Q You thought after?
A After I came outside and I seen him holding his wound, he didn't really have to keep shooting. Mike Brown didn't pose a threat, to my knowledge, he didn't pose a threat.
Q And you didn't see anything happening at the police car, you just said, why did you go, what was happening when you went and got your cell phone again?
A They were just at the police cruiser.
Q You didn't see any tussling or car moving?
A No, ma'am.

Q Any loud noises or anything?

A No, ma'am.

Q And then you went in to get your cell phone because you always have it?

A Yes, ma'am.

Q You heard a shot?

A Yes, ma'am.

Q While you were getting your cell phone?

A Yes, ma'am.

Q You didn't see what was happening when the shot first went off?

A No, ma'am.

Q All right. And then was it just one shot you heard before you got back out?

A I know one shot for sure, but I don't remember.

Q Where were you at like on the balcony or something?

A When I heard the shot?

Q Yeah, when you came back out and saw everything?

A I was on the balcony.

Q So you never went downstairs?

A No, ma'am.

Q You were watching from the balcony?

A Yes, ma'am.
Q So after you came out to the balcony with your phone, a shot had already occurred?
A Yes, ma'am.
Q You say you saw Michael Brown facing the officer?
A Yes, ma'am.
Q When he was holding his torso and that's when all of these shots, you heard some more shots?
A Yes, ma'am.
Q Okay. Could you hear him saying anything?
A No, ma'am.
Q You weren't close enough to hear them talking?
A No, ma'am.
Q What do you think the officer should have done?
A Anything other than kill him. I'm pretty sure the police training and police training they, you know, have any other means of, you know, corralling a suspect other than killing him.
Q You said he was wounded when he was shot dead?
A Yes, ma'am.
Q I wasn't clear, did you record any of the

incident, even afterwards?
A Afterwards, yes, ma'am.
Q So what did you record?
A I just recorded his body laying right there and the officer just, I guess he was walking around, I'm not sure.
Q But you didn't record the actual shooting, you weren't quick enough to do that?
A No, ma'am.
Q Did at any time when you saw him with his hands, we call this the torso, right?
A Yes, ma'am.
Q Around his torso, did he appear to be going for a weapon?
A No, ma'am.
Q It was clear to you that he appeared to be wounded?
A Yes, ma'am.
Q Could you see blood?
A No, ma'am.
Q Okay. And so why do you think he was wounded again?
A Because I heard gunshots.
Q Okay. And it didn't look like he was going for a weapon?

A No, ma'am.

Q Did he ever look like he was rushing toward the officer?

A No, ma'am.

Q Okay. And where were his hands when he was falling to his knees before collapsing to the ground?

A I don't remember.

Q And again, it did not appear to you like he was charging the officer?

A No, ma'am.

MS. WHIRLEY: Questions.

. When you were looking at the police car, you were looking at what, t he driver's side or the passenger side?

A Passenger side.

: Passenger side. So the police vehicle was facing west or toward West Florissant.

A No, it was facing towards east, going towards Northwinds.

: That way's east. If it was facing east, then the driver's side would have been toward you?

A Correct, but I wasn't, the balcony isn't

all that big.

: All right. You were at an angle?

A Yes, ma'am -- yes, sir, I apologize.

: That's close enough. I just need to clarify something. Did you hear any shots while you were walking back into the apartment to get your cell phone?

A No, ma'am.

The first shot you actually heard when you came back out?

A The first shot I heard was when I was inside.

: You heard one while you was on the inside?

A Yes, ma'am.

: That was the shot you heard?

A Yes, ma'am.

: Okay.

MS. ALIZADEH: Anyone else?

. I guess, did you have head phones or anything on, were you listening to music out on the balcony or playing a video game

or anything, or were you just sitting out there?

A I'm just sitting out there.

: Just watching?

A Just watching, looking around.

: I had another question. I guess you know when you looked up and saw Michael Brown at the police car, something must have made you want to think it is more than just an innocent, you know, stop right there. Because you ran in to get your phone, can you think of why or what made you think there was something to record? Did you hear loud voices, did you look at Michael's face, did you know something was about to happen.

A It was just a gut feeling. Something just toll me in my mind that you might want to go get your phone.

: So you just saw a few seconds of that, whatever happened there. And then it sounds like you just saw the very last few seconds at the end before Michael Brown was shot to death?

A Yes, sir.

: Okay. Thank you.

. Your cell phone, what room was your cell phone in?

A It was in the kitchen.

: It was in the kitchen. Was it plugged in a charger at that time?

A No, ma'am.

: Okay. When you came from the balcony into the house to get your cell phone, I think you have to enter through the sliding doors in the living room, is that how you enter your apartment?

A You can or you can just go through the main door.

: The main door, how did you get in there?

A I went through the door.

You went through the door?

A Yes, ma'am.

So where is that in relationship, you have to walk to your left to the right of the sliding glass doors or where are you exactly positioned to the main door?

A It is on the right.

: On the right. And how far were you away from the main door at that point?

A Probably about two or three feet.

Two or three feet. You

know about how many feet you traveled in the apartment to get to your cell phone?

A I'm not sure.

: Not sure?

A I'm not sure.

: Okay. When you came back out, did you also go back out through the main door, the same path?

A Yes, ma'am.

Okay, all right, thanks.

: I don't have anything any more.

MS. ALIZADEH: No more questions from you. At this point if there is no more questions, that will end the testimony of this witness.

(End of the testimony of .)

State of Missouri
SS.
County of St. Louis

I, XXXXXXXX, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to

and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.

XXXXXXXXXXXXX

COURT MEMO

State of Missouri v. Darren Wilson

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DEPOSITION OF Grand Jury, Volume XVII

10/28/2014
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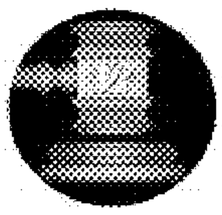
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Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury, Volume XVIII

Date: November 3, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

November 3, 2014

VOLUME XVIII

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 3rd day of November, 2014, before .

APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

Assistant Prosecuting Attorneys for St. Louis County

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

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GRAND JURY HEARING VOLUME XVIII

MS. ALIZADEH: Good morning.

(Everyone says good morning.)

MS. ALIZADEH: It is Monday, November 3rd, it is 9:26 a.m. This is Kathi Alizadeh. Sheila Whirley is present as well, and all 12 grand jurors are here, as well as the court reporter, who's taking down and recording what is being said.

Some matters that I wanted to discuss before we start with evidence today. I would like you all to give us some dates for next week. And, you know, I had told you in the past that we are getting close to wrapping up, but you know, I don't know how long, you know, this is still going to last for sure and, of course, I don't know how long. We don't know how long you will need to deliberate.

And so just go ahead and pick some dates for next week. If you could give us three days, that would be great. I understand, you know, with your schedules, you have to work around and we will work around those schedules.

A couple of other matters is the floor plan with no door, remember the floor plan? So I had Detective talk to the gal, the leasing agent and she drew the door in here. They didn't

change it other than she drew a little line where the door is on these second two bedroom version. And then she also wrote next to the marks, which would indicate a window, she wrote sliding door.

These are new, I don't know if you all got rid of the old ones that I've given you. If you haven't, go ahead, and you want to give those to me and I will shred them so we don't get those confused. That's your newest version of that.

So, for the record, I had previously marked that floor plan as Exhibit Number, Grand Jury Exhibit Number 51. I'm going to remark the new one that shows the door, as Grand Jury Exhibit Number 51. And I'm going to tear up the old one so we don't get those confused. I'm just using the same number, I just replace it with the accurate version.

And then so we have the week scheduled out pretty busy, hopefully we're going to be chugging along here and trying to get some of these witnesses in and out.

We talked about you all seeing the vehicle. We actually had a plan, we were going to try to do that today, we have now discovered because I had, I don't know if I was told this or I don't recall who even told me, I had believed that Officer

Wilson's vehicle was back in service and the door had been repaired and it was back on the road being used as a police car in Ferguson.

But last week we learned that it is not repaired and it is still missing the door. So we can't really have somebody drive it down here. It would draw too much attention if that was driving around like that.

So I have a couple of options for you. We could have the vehicle towed to a location where the new call center is. There is a secure garage in there. We could have the vehicle towed there and then we could have you all, depending on the time of day we do this. If we do it at the end of the day, you all take your own vehicles out there, then you could leave directly from there rather than coming back to Clayton, or if necessary, we could get a van and take you all out there together to see it.

Of course, then we'd have to bring you back here to get your vehicles, so that is an option. If you want to see the actual Ferguson vehicle.

The limitations with that are going to be that the door is not on the car. And we have the door and I can throw the door in the back of the

truck and you all can look at the door, but it is not going to be on the car.

And so depending on what you want to see, it might be a better option for you if I could get a Ferguson Tahoe, same year and same model and everything, and that way you would have a complete truck, in other words.

I will also tell you that I had someone from the Crime Scene Unit go out and measure the actual truck, the actual Ferguson vehicle points like from the ground to the top, you know, the roof from the ground to this and so forth. So we do have actual measurements if those are important to you, we'll give those to you as well.

So maybe during your lunch break today you can talk about whether or not, if we just get a lookalike Ferguson truck, we can do that here, we had previously talked about doing that in the sallyport here which is where prisoners are brought in so they are automatic doors, it is secured, we would be able to have that area for 30 minutes.

It is monitored by cameras because it has to be, but we've arranged that the cameras would be shut off so nobody is going to be seeing you.

Of course, no recordings will be made of

you while you are up around the vehicle. If we get the lookalike, we can do it here. If we are going to need the actual vehicle, we are going to have to make the arrangements to take you to another location to view that. So you can talk during your lunch break about what you want to do, or if you want to do both. If it is important that you see both, we'll do whatever, okay.

How y'all doing, okay. I can't recall if there was any other things that needed to be talked about or brought up and if there are, yes.

: I saw on KSDK over the weekend, or I think late last week, that they indicated that Dr. who did the family autopsy had mentioned that he was willing to come and testify before us and also that there is reportedly some of his findings doesn't agree with our findings regarding some, I guess it is stippling or whatever. So I know you put it out there already inviting him to come at your request to come testify.

I don't know if you've heard from him?

MS. ALIZADEH: The latest is we are trying to get him here. He had not, still has not completed his report. And he indicated that he

needed a copy of the St. Louis County Medical Examiner's Report in order for him to complete his report, which is protocol, it is.

And you will hear from medical examiners we are going to bring in that that's necessary because obviously when you are doing a second or third autopsy, things that were done previously, you need to know is this something that, you know, was caused or created in the autopsy or is this a different wound. And so it is not unusual and in fact, you know, I don't want to say protocol, I think that is the appropriate medical procedure is to have the previous autopsy reports so that you can know what was done previously.

Obviously, the bullets were removed already and things that were done are not going to be seen in a second or third autopsy.

So we have forwarded a copy of that to the appropriate people to get to him. And so we've also contacted the appropriate people to have him check his schedule, let us know when he might be available.

Obviously, we can't wait if I'm not available until January, we're going to have to make a decision on what to do about that in the event

that happens. But yes, we have things in place right now where we are trying to get him to come here and testify for you.

So that's being done and was there any other things that you guys wanted or needed that?

. I was going to see, we have learned a lot about Michael Brown through testimony. I still don't know a lot about Officer Darren Wilson.

I know we brought his supervisor in briefly to talk about protocol, what happened that day. His story was very different from Darren Wilson's. Would be interested to know if we know about what his morning was like.

MS. ALIZADEH: What?

: What his morning was like that day. History, you know, behavioral, awards, whatever that may be. I know a lot about Michael Brown, but not a lot about Darren Wilson.

MS. ALIZADEH: We have his personnel file and that is something we will get to you. Kind of our strategy here is once we get done with all of our eyewitnesses, then we are going to have some experts still testify. And then probably the last witness is going to be Detective who is the

primary case officer on this. And so a lot of, some of that stuff is going to come in through him.

But we talked about the fact that there may have been witnesses who testified earlier in the process that now that you know more than you did back then, you may wish us to recall some witnesses.

As you know, we cannot compel Officer Wilson to testify. So all I could do is extend an invitation if you wanted him to come back.

If anybody else that now you look at, you know, what you now know and you are comparing what the witness said previously. If you have additional questions for any witness who has already testified, just let us know and we will do our best to get them in here again.

So we talked about that last week that you know, this whole thing began two months ago so and you've heard from, you know, what am I on now, how many witnesses have we had, 47. We have had 47 witnesses. So it is a lot.

So you guys can discuss that as well. If you want to recall any witnesses and again, it would be an invitation to Officer Wilson if you wanted to have him back. We would do what we can to get him here.

Other matters is that we have the taped statement of who testified last week and it is an hour and 26 minutes or so. And if you would like to hear that statement, we could play it. If you just want to get the transcript, I can pass that out to you, but that's something you can discuss during lunch as well if you want to hear her statement because we've got a witness here now so we're going to play some statements of that witness and then get her on the stand.

And then when this is close to being concluded, Sheila and I are going to have to go through the notes and the transcripts to make sure that we've given you, we kind of got out of playing all the statements before the witness and, you know, we've proceeded with okay, we'll play those later. I want to make sure that we don't miss anything that there was a statement that we forgot to play or present to you.

So we'll make sure we try to get that the boxes checked off to make sure you guys have heard everything.

So at this time now we're going to play some recorded statements from a witness who we will identify as Witness Number 48.

We have transcripts for two statements. The first statement is ten minutes and 58 seconds. The second statement is a minute 35 seconds, which is just a phone call and then we have transcripts for those two.

Then there is a third statement that is 22 minutes and 32 seconds with no transcript for that since that was just done last week, and so I would ask that we'll go pause the recording while we are playing statements. , you do not need to transcribe the first two statements, but I would ask that you transcribe for the third one.

So at this time, if you the want to pause that.

So now that we're paused, I will tell you the two transcripts are together.

: A whole list of all the witnesses so we make sure that we have them also what you have.

MS. ALIZADEH: Absolutely, I have been keeping track of that.

The other thing is over the weekend I was trying to organize the exhibits and I'm still missing Number 48. So if anybody keeps track of the numbers.

MS. WHIRLEY: What is 48?

: Exhibit 48?

MS. ALIZADEH: It is the witness number coincidentally.

MS. WHIRLEY: Okay .

MS. ALIZADEH: Is everybody ready to start the statements? Okay.

(This will be the playing of the audio recorded statements of Witness 48.)

(This is the playing of audio interview number three of Witness Number 48 that is being transcribed.)

: This is special agent

We are at FBI 2222 Market Street. It is Wednesday, October 29th, 2014, approximately 9:21 a.m. I'm with USA and DOJ trial attorney and we are here interviewing.

Is your name spelled

Uh-huh.

: Are you still at

No, no.

: What's your residence address?

Um, I don't know the address, but I know the street I live off of

Okay. Where is that

Yeah.

: Okay. If I needed to get ahold of you, what is best number to call?

I don't know, my mom.

: Your mom's, okay. What about your godmother who is here with you?

She's probably the best person to call. I wasn't even thinking about her.

: What's her name?

: She's waiting outside for you here today?

Uh-huh.

: She came down with you?

: Do you know what her phone number is?

Okay. And what's your date

of birth?

: And what's your social security number.

:

:

: okay.

:

: Okay.

MR. All right. thanks for being here today. We wanted to follow-up on some statements that you gave before, all right. I know that on August 14th you talked to investigators, okay, and we just had a few questions about that and wanted to follow-up.

Before we do that, I just want to go through some preliminary things that we do with most witnesses, okay, or basically I want to remind you, obviously, you know this is being recorded, and you have to say yes or no.

Yes.

MR. : Just because it is being recorded you have to, if I ask you a question, yes or no answer, be sure to a yes or no just so it

shows up on the tape, okay?

Okay.

MR. : I also want to tell you don't answer any question you don't understand, okay? If I ask you something and you're not sure exactly what I mean by that, just feel free to ask me to explain it, I will do that, all right, you understand?

: Uh-huh.

MR. Basically we don't want you to answer any questions that you don't understand.

All right.

MR. : All right. I need to warn you that it is a crime to lie to the FBI or federal investigators, okay?

Uh-huh.

MR. : So you need to be sure to tell the truth today, you understand that?

: Yes.

MR. : Basically we are just looking for the truth here. We've talked to a lot of different witnesses and all we are looking for is what you actually saw and heard on August 9th of this year, okay?

: Uh-huh.

: I know there have been a lot of things in the media and that sort of thing. If you are going to refer to any of that or whatever, that's fine, you just need to let us know, but otherwise, we are just looking for what you actually saw.

: Okay.

MR. : All right. Okay, I also wanted to ask you are you under the influence of any drugs or alcohol today?

No.

MR. Is there anything else that would influence your ability to tell us the truth today?

: No, just anxiety. That's not going to stop me from telling the truth though.

MR. : You just a little nervous?

Yeah.

MR. : Okay. That's normal, don't worry about that, that's perfectly normal.

: Okay.

MR. : Let's go back through. As I said, I know that you gave a statement on August 14th and I understand that on that date you were in an minivan with your family; is that right?

: That's right.
MR. : Were you sitting in the minivan?
I was sitting in the second row, in the middle of the second row.
MR. : Did you have a clear view of what was going on?
: Yes.
MR. : What was your view? I mean, where were you looking?
The windshield.
MR. : All right. You looking the front through the windshield?
Yes.
MR. : And you see a young man that's standing near a police cruiser; is that right?
Yes.
MR. : The young man, do you know who that is now?
: I know now.
MR. : And based on just things that have happened since then?
: I really don't like listen to radio or news like that.

MR. Uh-huh.
: So the only thing I know is his name for real that's because I have been back to the complex

MR. : ?
: Yes.
MR. : What is the name of the young man at the side of the police cruiser?
: Michael Brown.
MR. : Did you know that at the time?
No.
MR. Did you know him at all?
: No.
MR. Okay. Is it okay then if we just refer to that young man as Michael Brown since you learned what his name is since then?
Yeah.
MR. : So you see him standing here at the police cruiser?
Yes.
MR. : And the police cruiser is in the street?
A Yes.

MR. : And what do you see happening there at the police cruiser?

: I see Michael Brown standing in front of the cruiser by the driver's side of the door.

MR. : Is he facing the police cruiser?

: Yes.

MR. : Facing the driver's side door?

: Yes.

MR. About how far away do you think he is from the door?

A couple inches.

MR. Basically right there.

: Yeah.

MR. : What do you see?

: I see him talking, I don't know really what he was doing. I know that he had his back to me.

MR. : Uh-huh.

: His hands were in front of him. I don't know like, if you see a person behind, from the behind and you just see their arms, you don't see them like hanging down.

MR. : Okay.

: You see them in front of him?

MR. : So he's facing the police cruiser's driver's side door?

: Yeah.

MR. : Is there a police officer in the cruiser at the time?

Yes.

MR. : Where is the police officer?

: In the driver's seat.

MR. : Okay. I understand it is an obvious question, but so the police officer is in the driver's seat, Michael Brown is facing the police officer?

Yes.

MR. : At the driver's side.

MS. : Just for the recording, when you were demonstrating just a few moments ago, you said his hands were forward. You held your hands so that your elbows were bent at almost right angles with your hands slightly above waist level in front of you.

: Right.

MR. : Could you see what Michael

Brown was doing with his hand at that time?

No.

MR. You just know that his hands were in front of him?

: Yes.

MR. And you say he was just a few inches from the side of the police cruiser?

: Right.

MR. : Could you tell from your angle whether or not his hands were inside the vehicle or outside the vehicle?

I don't know if his hands were in the vehicle.

MR. : You just couldn't tell?

: I just couldn't tell what he was doing. I just seen that his hands were like midway up, not like in the air, I don't know they weren't hanging down, so I don't know what he was doing.

MR. : His hands were in front of him. You can't tell what he was doing with his hands?

Right. And then heard two gunshots. One, like I didn't really pay attention to because I was in the middle talking to my sister.

And then the second one I clearly heard and then my mother asked me were they shooting at each other? I was like, I don't know. And then we look, we was watching it and Michael Brown took off running down Canfield the opposite of West Florissant, opposite way.

MS. : Was there anybody besides Michael Brown standing outside of the police cruiser.

I didn't see the dude in the gray pants, I didn't see him standing by the cruiser.

MS. : Okay.

: I just seen him run from like behind it like kind of and he took off running across the field behind the other apartments.

MR. Okay. So when you first, do you know who the other guy is?

No.

MR. : You don't know his name?

Huh-uh.

MR. Can you describe him?

He's a thin man, had on a black T-shirt and I guess gray jogging pants and I believe he had dreads.

MR. : Okay.

: He wasn't like --

MR. : He was a young black male?

Yes.

MR. : So thinner, dreads?

Uh-huh.

MR. : And a younger black male?

Uh-huh.

MR. : Is that right?

Yes.

MR. : So the first time you see them you think he is somewhere around the back of the police vehicle?

Right.

MR. : You see him take off running?

Right.

MR. : When did he run, when did he take off running?

: After the first shot was fired, after the first two I heard.

MR. Then you say Michael Brown after the second shot took off running down Canfield?

Yes.

MR. : Okay. And at some point then do you see the police officer get out of the vehicle?

: Yeah, you seen the officer hop out of his cruiser and he is running behind and he's yelling stop. Then Michael turned around and started charging towards the officer and the officer still yelling stop. He did have his firearm drawn, but he was yelling stop, stop, stop. He didn't, so he started shooting him.

MR. All right. So the police officer was yelling at him multiple times to stop?

: Yes.

MR. At any time the police officer was yelling stop as he's charging at him, did Michael Brown stop?

: He slowed down, I thought he was going to stop, but he kept charging towards him. Like he slowed down for a second and then he started running again. Like he put his hand up in the air like, he put his hands up and then he put his hand like in front of him like this way.

MR. Let's talk about this, you say he started to put his hands up?

Yes.

MR. Michael Brown did?

Yes.

MR. But then he pulled his hands down and you demonstrated that you kind of had a fist in front of you like at your chest height?

Right.

MR. : And can you describe, he had his hands at his chest?

His hands were balled up. He has his arms bent towards his chest and he's running like, you know, almost like a tackle running.

MR. : Okay.

And I see him shoot him. I don't know, he wasn't going to stop. I don't know how many times he shot him altogether, but like you seen like one of the bullets hit him in the face, cause you seen like the splatter from it. I'm sorry, it distracted me for a second.

MR. : I understand, I understand. You say it didn't look like Michael Brown was going to stop.

: No.

MR. : He wasn't going of his own volition going to stop?

: He was running, he slowed down, and then he kept running and he shot him and was like for a second he kind of like slowed down and staggered. He kept charging, so he shot him again.

MR. : All right. You said that the police officer was at that time telling him to stop?

: Yes.

MR. : Repeatedly. You said that in your statement on August 14th that referring to Michael Brown you said the boy wouldn't stop, he fired three rounds, that would be the police officer?

: Right, he fired the three rounds first.

MR. And the dude kept running and the police, you say the police officer fired four more rounds?

: Yes.

MR. Does that sound about right?

: Yes.

MR. And then he finished off the rounds and he fell on the ground, Michael Brown fell on the ground?

: Right.

MR. : How did he fall, did you see him fall?

: If you were in a standing position, he kind of stopped and he kind of like started to lean forward like this and then he kind of fell on his knees and smacked the ground on his face.

MR. : So he fell face first?

: Yes.

MR. : And when he was laying there on the ground, he was laying face first on the ground?

Yes.

MS. You indicated again, just for the tape, you were standing up just now. You had your right hand down near your waistband area and your left arm was sort of hanging down loose, is that how you recall it?

: No, that's just how I was standing.

MS. : Okay, that's good. Do you recall sort of what his hands were doing?

When he went from running with his hands balled up like this.

MS. : His hands up by his chest?

Yeah, he just kind of like stopped and was standing there, and he kind of just fell forward.

MS. : Okay.

MR. : As Michael Brown was running away from the police officer, from the police car, did you see the police officer shoot at him at all at that time?

No, he did not fire at him.

MR. : How about, you said that when Michael Brown turned around, he briefly, looked like he briefly started to put his hands up?

: Right.

MR. : Was the police officer shooting at him at that time?

: No.

MR. When did the police officer start shooting at him after the first two shots in the car?

Um, it took him a minute to fire at him for real. I probably would have shot him instantly you charge at me like that, but when he was running back he was screaming stop, stop.

And the officer was backing up as he kept coming closer to him and he didn't stop. So he shot him three times and he was still charging towards him and he shot him again, shot him four more times.

MR. : Okay. So the police officer didn't start shooting again until Michael Brown was actually charging at him?

: Right.

MR. : As the police officer was yelling for him to stop?

: Right.

MR. : You say he's actually backing away from Michael Brown?

: Right.

MR. : All right. You want to take a quick break?

MS. : Just a couple quick follow-up then we can take a quick break. Did you see the officer, what did the officer do after Michael Brown fell to the ground?

: Got back up, I guess, I don't know. I mean, he didn't actually walk up on the body.

MS. : Okay.

MR. : Did you ever see him

approach the body at all?

: No.

MR. : Or the area around it?

Huh-uh.

MR. Okay.

MS. When you first came up on this situation and you are in your family's minivan, was Michael Brown already at the police car, was the police car already stopped?

Uh-huh.

MS. There is already some interaction as you come up?

Yes.

MS. : That's what makes your vehicle stop?

: Yes.

MS. : When he was at the, when Michael Brown was at the police vehicle, you indicated that his hands were up in front of him and you could see that from the back because you couldn't see the lower part of his arms; is that right?

Right.

MS. Could you see where his head was?

Like it was just in front of the car, like if you are standing, if you are like standing in front of the car like this.

MS. : Okay.

: I don't know exactly what it did.

MS. : Did you ever seen him lean into the car?

: No.

MS. : At that point you said you were talking with your sister?

: Yes.

MS. : It wasn't really until that first shot went off that --

: Everybody just like.

MS. : Your full focus was on what was happening?

: Right.

MR. When you say standing in front of the car, you talking about facing?

Yeah, facing the cruiser.

MR. : Facing the driver's side.

Driver's side of the cruiser.

MS. Did you guys stay where

you were when you pulled up here?
: Yeah, we pretty much stopped.
MS. : And didn't move.
: There was a little girl trying to hide on the side of our car from the shooting.
MS. : Do you know who she was?
: No.
MS. Little girl, like a kid?
: Yeah, like maybe middle school.
MS. : Oh, yeah. Then after everything was done, after he's on the ground and did you guys move your car, what did you guys do?
We stood there for a second, we sat there in the vehicle for a second like.
MS. : What do you do?
: Like, damn, you know, and then I went on into cause I still had to go right on
MS. Did you drive past the body.

: Yeah.
MS. : Okay.
: But not down the street, I turned into the parking lot. Say this is the street, we're right here.
MS. : Okay.
There is multiple places where you can drive into the parking lot. So we went in, we made a left and we went around.
MS. : Okay. Around the building?
There is still a parking lot right here. We are at the bend where his body was laying.
MR. : Who was in the van with you that day?
: My mother, my father, my sister, my older sister, and my niece, my younger niece.
MR. : Okay. What is your mother and father's name?

MR. : And then your sister who is with you, your older sister?

MR. : How about the niece.

MR. : How old is she.

MR. : years old?

MR. : You want to take a break? Okay. Why don't we take a quick break here. We will take a minute or two. And then if you don't mind, we will just leave the recording on so we don't have to start it all over when we come back in. You're welcome to stay here and wait or if you want to go out with your godmother out in the lobby.

MS. : We'll just be a second.

MR. We will be right back.

(A break was taken at this time.)

MS. WHIRLEY: We are going to advance it until it begins.

MR. : All right. Thanks for waiting. We have a few more questions for you. I think had a few follow-up questions she wanted to ask.

: I just wanted to clarify. You saw his friend, the thinner one with the dreads

run away? You didn't see him exit the car, you saw him run past the police, you saw him run behind the police cruiser?

: Yeah, I don't know if he is directly behind me or if he was just on the other side where I couldn't see. I just seen him run from that way.

: When did you see, you saw him run into the woods you say?

Not the woods, he ran behind the apartment buildings on the other side of the street.

: Okay. Let me just. So here, that's West Florissant.

Uh-huh.

So about --

Right in between these buildings.

: When did you see him do that?

Um, wait, yeah.

: If you are over here somewhere?

Yeah, right over here where these trees are.

: Okay.

That was like right after the first two shots.

After the officer was still in the vehicle?

: Yeah.

: You saw him run essentially south, to your right while you are looking at it right after those shots?

: Right.

: Okay.

MR. : Just to be clear, you talked a little bit about where Mike Brown's hands were at the time he was standing at the side of the police vehicle.

Uh-huh.

MR. : And you wouldn't see if they were in front of him; is that right?

: Right.

MR. Somewhere sort of waist or chest height in front of him it looked like?

: Yes.

MR. : You didn't see his hands up above his head?

No.

MR. : You didn't see hands like

down by his dies?

: No, they were in front of him.

MS. : Could you see the officer in the vehicle?

No.

MS. : Michael Brown is a big guy, right?

: When he's standing in front of the vehicle I could not see the officer.

MS. : Because Michael Brown was blocking the vehicle basically?

: Yes.

: And then you said you have a ?

: Uh-huh.

: Did she see it?

: No, .

: Now, when you went because you said you drove around, did you drive this way?

: Yes, and we had to pass through this way. We came this way.

MR. So you kind of came around the apartment building from behind?

Yeah.
: Did you tell her what you saw?
: Yes.
: What did she think?
: She said she didn't even hear it

: And have you been, I know things are different there, have you been back between that area?
: I just spent the there.
: Okay. Did you talk to people about what happened?
No, I don't talk to nobody in there.
: Did you ever?
No, I ain't never spoke to nobody. I know somebody in this building and my stays in that building. I don't even talk to her like that. I don't know nobody else in the complex. I go there for her.
: Okay.
MR. All right. I don't think we

have anything else. Thanks for your time today.

: Thank you.

: End the recording at 9:44 a.m.

MS. WHIRLEY: Good morning. This is Sheila Whirley and Kathi Alizadeh is present and all 12 grand jurors, and , the court reporter. It is November the 3rd, 2014, approximately 10:15 a.m.

That last recording that we heard was Grand Jury Exhibit Number 58.

(Grand Jury Exhibit Number 58 marked for identification.)

MS. WHIRLEY: It occurred on October the 29th, 2014. The very first two recordings that we heard were from Grand Jury Exhibit Number 17. And those were, as you can see on the transcript, was from August the 14th of 2014.

All of these recordings are related to the witness, Witness Number 48. All of these are from Witness Number 48 and we will hear from her momentarily. We're going to get the witness.

MS. ALIZADEH: The first two you heard were on Grand Jury 17.

: Okay.

MS. ALIZADEH: And those were both

recorded on August 14th. And the third one you heard was on Grand Jury Number 58, and that was recorded on October 29th of this year.

: Thank you.

WITNESS NUMBER 48,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q Throughout this proceeding we intend to refer to you as Witness Number 48, but for now would you introduce yourself to the grand jurors and spell your name for us, please?

A

Q

A (Nods head.)

Q Okay. And you don't live in Canfield Green; is that correct?

A No, I do not.

Q Who is your parents?

A

Q Okay. And your sister?

A

Q And they were with you that day on August the 9th, 2014?

A Yes.

Q Okay. Is there anything else we needed? Let's go ahead and get started.

MS. ALIZADEH: Just so that we are clear on this, and we talked to you about not using your parents' name, just call them mom and dad and sister so that when we begin the recording, we won't need to redact if you say my mom, my dad, my sister, stuff like that, okay?

A Okay.

Q (By Ms. Whirley) I'm going to stand toward the back of the room so you'll speak loud enough for us to have a conversation. I know there is a microphone there by you, but it won't make your voice louder.

A Okay.

Q If you can speak loud enough so everyone can here, okay?

A All right.

Q You know we are here regarding the Michael Brown shooting?

A Yes.

Q Did you know Michael Brown?
A No, I did not.
Q All right. And you know he was shot by an officer?
A Yes.
Q Did you know the officer?
A No.
Q Did you know, do you know the officer's name today?
A No.
Q Okay. All right. So let's talk about August the 9th, 2014. How did you start your day?
A Um, I was hanging out with my parents at first, then my asked me to come bring something to , and I did.
Q Now your , where does live?
A
Q All right. You've referred to our map, which is marked as Grand Jury Exhibit Number 25. I told you about the laser pen there, you see it?
A Yes.
Q Why don't you pick that up. Can you figure out how to use it? There you go. So that's where your lived
A Uh-huh.

Q Which one, which apartment?

A Um, this one. (indicating)

Q Okay.

A

Q All right. So where were you, about what time of day was it that you were going to your ?

A Like 12:15.

Q Speak up.

A It was like 12:15.

Q Which way were you traveling?

A I was coming down Canfield.

Q From West Florissant?

A Yes.

Q Okay. And you were, what kind of car were you in?

A A minivan.

Q Minivan with your parents?

A Yes.

Q And where were you seated in the minivan?

A I was in the second row in the center.

Q Was there anyone on the either side of you?

A Yeah, my sister was to the left of me and my niece was behind me.

Q Okay. Did you have a pretty clear view of what was ahead?
A Yes.
Q All right. So you're traveling east on Canfield Drive from West Florissant?
A Yes.
Q Did you see the police car?
A Yes, I seen the cruiser.
Q Cruiser, describe it, what did it look like?
A It was an SUV, um.
Q What color?
A It was white.
Q Was it marked as a police car?
A Yes.
Q Okay. So where did you see it, you were showing us on the map?
A Like in this right here, I believe. (indicating)
Q Like near Canfield Drive?
A Our vehicle was here on Coppercreek.
Q Okay. Were there any cars ahead of you before you reached the police cruiser?
A No, the only thing that was in front of us was the cruiser and Michael Brown, his back towards

us, standing up on the cruiser. It was like maybe a few inches away from it.

Q How close I should say were you to the cruiser?

A I'm not sure how many feet.

Q Like if you were to judge it by car lengths, you said there were no cars in front of you, but was there a space for a car to be in front of you before you --

A There was enough space for at least like two cars.

Q About two car lengths?

A Yeah.

Q And which way was the cruiser, we will refer to it as cruiser, was it facing?

A He was facing towards West Florissant.

Q Was he parallel?

A He was slightly angled going onto Canfield Drive like he was going to turn into the parking lot.

Q Which way?

A This way. (indicating)

Q Like he was going to turn that way?

A Yeah.

Q But was he facing east or west on Canfield

Drive?

A I guess west.

Q This is West Florissant?

A Yeah.

Q So that would be west, he was facing west?

A Uh-huh.

Q You were faring east?

A Yes.

Q Now, you mention Michael Brown, Michael Brown was, what was Mike Brown doing?

A He was standing at the cruiser like in front of it. I really don't know what he was doing, but he had his hands at least waist in front of him. I'm not really sure what he was doing.

Q Could you see his hands?

A No.

Q All right. How did you know his hands was at the waist?

A Because if you see something from the back, you can tell that their hands are not dropped or up, you can see them in front of you.

Q You didn't see them dropped or up?

A Right.

Q Okay. From your viewpoint, would you be looking at the driver's side or the passenger side

of the police cruiser?
A The driver's side.
Q So you were looking at the driver's side?
A Yes.
Q You were sitting in the center?
A Right.
Q Okay. Did you notice the car moving and when I say moving, I don't mean driving, I mean like shaking or any motion to the car?
A I'm not sure if the car was rocking or anything because I was in conversation with my sister. And I didn't really notice what was going on until I heard the first two gun fires.
Q So initially when you saw the car, you didn't think much of it?
A Right.
Q You couldn't tell that there was some kind of altercation or something going on?
A No, I couldn't.
Q All right. So you heard, you say two gunshots?
A Yes.
Q When you heard the two gunshots, where was Michael Brown at that time?
A He was on the side of the police cruiser

at the driver's side and that's when he took off running.

Q You actually saw him take off running?

A Yeah, we actually sat in the van and watched him run down the street and then he turned around and came back towards the officer.

Q Did he appear to be injured when you saw him running?

A No, I'm not sure if he was injured.

Q You couldn't see any blood or anything?

A No.

Q Which way, show us with the laser pen which way he was running?

A He was running east down Canfield, right here. (Indicating)

Q And what --

A The officer hopped out of his cruiser and chased him down Canfield. They got like right about here and then Michael turned around and charged towards. The officer and the police officer drew his gun and he was like stop, stop, stop and he shot him.

Q Okay. When the officer got out of the car, was he running too?

A He was running behind Michael, he wasn't

really close to him.

Q Okay. Did he have his gun out at that point?

A No.

Q You didn't see his gun when he got out of the car?

A No.

Q Did he shoot it, well, you didn't see his gun, did you hear any shots?

A No, he did not fire at Michael while he was running away from him.

Q Okay. So when did you see the officer's gun?

A I seen the officer's gun when Michael turned around and was charging at him.

Q So he didn't pull his gun out of the holster until Michael Brown started to charge him?

A Charge him, right.

Q Okay. So when he was running, I think you said he was yelling stop?

A I heard him yell stop at least three times.

Q When was the first time you heard him yell stop?

A When he was chasing, when he was chasing

down Canfield.

Q So Michael Brown's back was to him?

A Turned to him, he was like stop.

Q He was chasing him, he was yelling stop?

A Yes.

Q He did not have his gun out as he was yelling stop?

A No.

Q No?

A No, he didn't.

Q Michael Brown turns around?

A And starts to run towards the officer and the officer drew his gun and he pointed it at him and he was like stop, stop. And he was like going in reverse, like backing up.

Q The officer was backing up?

A Yes.

Q Would you mind standing up for me, please? What's on your arm, by the way, I couldn't help but notice?

A A tatoo that time.

Q What does it say?

MS. ALIZADEH: I don't want her to say that.

Q (By Ms. Whirley) Can you demonstrate for

us how Michael Brown was coming towards the officer?
A He was like charging towards the officer withs his hands drawn up like this in a fist running towards him. (indicating)
Q Come towards me?
A Almost like a football, I'm not going to run.
Q You don't have to run, kind of like walk towards me. Like that?
A Yeah.
Q And the officer, can you show me how the officer was going backwards?
A He had his gun drawn. He was like stop. He was backing up, he was like stop and he didn't, so he shot him three times.
Q Three times?
A He kept yelling stop and Michael kept coming towards him.
Q At the time that they are, at this intersection --
A We're stopped.
Q You're stopped back here? (indicating)
A Yeah.
Q But you could see?
A We was closer towards the trees right

here. (indicating)
Q Did you get out of the car at any time?
A No.
Q You stayed in the car as you were watching all of this?
A Yeah.
Q And you were right around here? (indicating)
A Uh-huh.
Q And it was occurring up here? (indicating)
A It was like right here. (indicating)
Q Any idea how far that is apart?
A No, it is not that far.
Q Okay. Some additional car distances though?
A Uh-huh.
Q All right.
A It was right here in this area. (indicating)
Q Is your vision pretty good?
A Yes.
Q You don't wear glasses or anything?
A No.
Q And you can hear pretty well?

A I can hear just fine.
Q Okay. At any time did it look like Michael Brown had anything in his hands?
A No.
Q Okay. Or that he was reaching for anything?
A No.
Q Did you ever see his hands near his waist?
A No.
Q Did you ever see his hands raised up?
A No, he looked like he was going to raise his hands at one point, but he didn't. He just continued to run forward. It looked like he thought about it, and then he didn't.
Q Okay. Tell us what you mean, demonstrate what you mean he thought about it, looked like he thought about it?
A I mean like, he's running and then he like stopped, he put his hands up like this and then he kind of brought them back down and started running. (indicating)
Q Okay. That's when he charged towards the officer?
A He was running already, he was still in the process of running, should I say.

Q Did you ever hear Michael Brown say anything?

A No.

Q Any idea how many shots you heard total?

A At least eight or nine.

Q Okay. You heard two at the car and then you --

A Then I heard three and then like four more shots, maybe like one or two more after that.

Q And all of these were when Michael Brown was charging the officer?

A Yes.

Q Did you hear any shots after Michael Brown, at some point he fell; is that right?

A Yeah, that was after he fired the last shot.

Q Okay. So you didn't hear any shots after he fell?

A Huh-uh.

Q Did you see any of the shots hit him?

A I seen the one hit him in the face because you could see like the blood spatter, you couldn't really see the bullets themself, but you seen like the blood fly away from his face. I don't know exactly where it hit him.

Q Okay. But you could see blood splatter?
A Yeah.
Q Near his face?
A Right.
Q How did he fall?
A Um, he kind of just dropped, like he stopped and he kind of like fell forward and like smacked the ground with his face.
Q I think in one of your reports he did fall on his knees?
A He like hit his knees and he like just fell.
Q Now, did you ever see anyone with Michael Brown?
A Um, I seen a dude before all the shooting happened, there was a guy, thinner dude with Michael. He had on a black T-shirt and some gray jogging pants.
Q Okay.
A I really didn't get like a good look at his face.
Q Tell us how his hair was?
A He had dreadlocks.
Q Was he at the police car too when you first noticed Michael Brown?

A I was behind him. I didn't see where he came from.

Q When you looked and saw Michael Brown at the police car, did you see him also?

A I didn't see him up on the cruiser but when the first two shots had been, he was like in this area behind the cruiser and he took off running along side of Building 18.

Q That's the way you saw him running. Did you ever see him reappear?

A No.

Q Did you take a video or anything of that occurrence?

A No. Somebody stole my cell phone.

Q Somebody stole your cell phone?

A (Nods head.)

Q Like that day or earlier?

A Previous.

Q Previously. Do you know anybody who did make a video of this occurrence?

A No.

Q Okay. Now, did you discuss what was happening with the people that were in the car with you?

A The only thing we said was, my mom was

like, did they shoot him? I was like, yeah, they shot him. I was like, he just shot the fuck out of him, that was all that was really said.

Q Do you know whether your mother saw it or not?

A My mother saw the shooting, she just didn't know if they were shooting when the first two fires popped off.

Q Okay. All right. I think I already asked you, you said you didn't know any of the people that were involved in the shooting?

A Huh-uh.

Q Is there anything else that I didn't ask you that you thought you need to tell us?

A No.

Q No?

A (Nods head.)

MS. WHIRLEY: Okay, Kathi?

Q (By Ms. Alizadeh) Ma'am, just to be clear. We've listened to statements that you made that a police officer talked to you, a detective on August 14th?

A Uh-huh.

Q And I know you were using a map to show him certain things. And we can't see what you were

doing, but can you show the grand jurors after your, who was driving the van?

A My mother.

Q So after the shooting happened, did your mother drive away?

A Yes.

Q Can you show on the map the route that you took?

A We turned into Coppercreek, we went along the back on Coppercreek.

Q So when you earlier used the laser pointer and you said your cars was about right here? (indicating)

A Yeah, about right here.

Q That's a little east of Coppercreek Road?

A Okay.

Q Did your mom have to turn the car around did she have to put it in reverse?

A We were really just parked right here by the trees, just kind of back up a little bit. We was going to come down the street this way.

Q So you didn't get farther than Coppercreek Road?

A No.

Q Your mom didn't have reverse?
A No, she backed up a little bit, yes.
Q Okay. Was there any cars behind her?
A No.
Q You didn't see any cars behind her?
A No, but there was a girl standing here.
Q Okay. So you had mentioned in your statement, you called her a little girl. Thought maybe she was in middle school?
A Right.
Q Was she white, African-American?
A No, African-American.
Q African-American, okay. She by herself?
A Yes.
Q Did she have anything about her that you recall descriptively, long hair, short hair?
A She had her hair in a ponytail. She had glasses on, looked like she got out of school.
Q So when you went around here and I'm pointing on Coppercreek Road and it kind of goes into the northern part of the subdivision, did you go directly then to your ?
A Uh-huh. I and then I left.
Q So you didn't stay?

A Huh-uh.
Q Did you leave with your family then?
A Uh-huh.
Q How did you get out of the complex?
A We went back down Coppercreek.
Q The way you had come?
A Uh-huh.
Q So when you came back down here, were you able to drive west on West Florissant?
A Uh-huh.
Q There weren't a bunch of police cars?
A Oh, yeah, they were flying down the street, but we were on the opposite side of the street. I mean, they didn't have it blocked off yet.
Q So you were, once you turned to go west on Canfield Drive, did you see police vehicles coming east?
A Yeah, a lot of them.
Q So you never got down to this area where Michael Brown was?
A I had no reason to go down there.
Q You mention that you'd been down there, you had mentioned in one of your statements that you have been down there since?

A Yeah.
Q Have you seen the memorial in the street?
A Yeah.
Q Was that where you saw his body fall or is that someplace else?
A No, that is where his body fell.
Q Okay.
A But you know they have kind of got the memorial back on the sidewalk. They have a little bit of stuff in the street, but other than that.
Q Okay. So there's a bunch of teddy bears and candles and stuff in the middle of the street?
A Roses.
Q And then there's also another place where candles and teddy bears and flowers and stuff?
A Along the light post.
Q Along the light pole. Is it on the corner of Coppercreek Court and Canfield Drive?
A It's actually more where that car is right there. It is not exactly on the corner it is here.
Q The other one is not in the street?
A Right.
Q Okay. Now in your, you talked about being with your mom and your dad and your sister. When the police came to talk to you, where did they,

where did you speak to the police, where were you physically?

A Which time?

Q The first time?

A The first time I was

Q

A Yes.

Q Okay. And you don't live in Canfield?

A No.

Q Do you know how the police found you

A No.

Q Okay. So they just knocked on the door and said, hey, we want to talk to you about what you saw?

A Pretty much. And then they said that my mother was the reason they had my name.

Q Okay. So are you close with your parents?

A Yes.

Q After this happened, I know you said immediately after it happened your mom was like, made some kind of comment about, did they just shoot him or something, but afterwards, did you talk about what you saw with your family?

A No.

Q Never have?

A (Shakes head.) I mean, nothing really to talk about. Just seen somebody get shot, okay. I mean, it is tragic, but I didn't know him so I didn't have sympathy for what was going on. I felt like he brought it on himself because if you are going to go rob a place and then fight with the officer, of course they're going to shoot you.

Q So let's back up now. You commented just now if you are going to rob a place and then fight with the police officer. Now, you didn't see --

A I didn't see the robbery or the fight with the officer, no, I didn't.

Q So let me ask a question. So those are things that you learned afterwards?

A Uh-huh.

Q And you said yes?

A Yes.

Q Did you learn those things before you made your statement on August 14th?

A What statement?

Q The first officer that came to talk to you at your apartment, at that time did you know or had you learned or heard that Michael Brown had robbed the place?

A I did not know that he had robbed any place. I didn't know why they were doing it.

Q Okay.

A I didn't know his name until long afterwards either.

Q When did you learn, if you remember, that Michael Brown, or when did you hear that Michael Brown had robbed the place?

A I heard that after I seen it on the news where they had burned down the QuikTrip in Canfield.

Q Where they had what?

A They had burned down the QuikTrip on West Florissant.

Q It was after that the QuikTrip burned down?

A Uh-huh.

Q And then, and certainly then you also knew that when you gave your statement to the FBI and the U.S. attorney last week?

A Uh-huh.

Q When you say uh-huh, you say yes?

A Yes.

Q Thank you. So you are saying that you never talk to your family about what you saw. You know, and the reason I ask this, ma'am, I think it

is understandable when people see the same thing to kind of discuss it with each other just because oh, my God, can we believe we just saw that?

A I mean, we were surprised and, you know, but never really talked about it like that.

Q So you never like, you know that your mom had talked to the police, right?

A Yeah, but I was trying to avoid her giving them my name. So, yeah, I really wasn't talking to her.

Q You know that your dad talked to the police?

A Uh-huh.

Q And do you know that I have talked to your parents about trying to get you to call me, did they talk to you about that?

A Yeah, they contacted me and told me you were trying to call me and I called several times and I didn't know your name. So they were like, well, if you don't have her name, we can't help you. And I was like okay.

Q So you're saying you called my office and asked for the prosecutor handling the Michael Brown shooting and nobody knew who that was?

A Yes, that's what I'm telling you.

Q And so it was actually last week that you and I, and actually, I never spoke to you on the phone, but we connected last week through somebody, another , right?

A (Nods head.)

Q Yes?

A Yes.

Q And in your statements previously you used the word charged. You said that you saw Michael Brown charge the officer?

A That's right.

Q Did you hear anybody prior to you making your first statement, and your mom made her statement on the 11th and your dad made his statement two or three days after that, and you made your statement on the 14th. Did you ever hear your mom or dad use that term charged?

A No.

Q Okay.

A Like I said, we never really talked about it.

Q So that is a word that you used that I picked to describe what you saw?

A Yeah.

Q And you also said that the officer said

stop, stop, stop?

A Right.

Q Do you recall if the windows were open or closed that day?

A They were opened.

Q So you're saying you could hear him and when you said it for the grand jurors you kind of just spoke it, stop, stop, stop, is that how he said it?

A No, he was yelling.

Q You could hear it as he was yelling?

A Yes.

Q Did you hear anybody else yell or anybody else say anything?

A No.

Q Didn't ever hear Mike Brown say don't shoot?

A No.

Q Or nothing like that?

A No.

Q Did you, other than the little girl that you saw by your van, did you see anybody else, and you also talked about the skinnier boy with the dreads, did you see anybody else around here?

A No.

Q What about other cars that were maybe behind the police car?

A There were no cars on the street. There was no cars. All the cars were on the parking lot.

Q So you didn't see like a white Monte Carlo or any other cars that were behind the police car?

A No.

Q After the shooting, did you see a car drive up in the grass to drive around the police car to leave the apartment complex?

A No.

Q Are you saying you didn't see it or you saying it didn't happen?

A I'm saying if it did happen, it had to be after we pulled completely away from Canfield while we were there it did not happen.

Q Okay. This is one of those things that always want to make sure to clarify when you say no, you didn't see it on anything. My question is, is that because it didn't happen or are you saying I just didn't see it or it could have happened, I just didn't see it.

Was there ever a time in the van when you looked away or put your head down or ducked?

A No.

Q You never like got down in the van once you heard the first shots?
A No.
Q Have you heard --
A I was too busy watching what was going on.
Q Have you heard gunshots before?
A All the time.
Q So when you heard those first two shots, did you immediately recognize that as gunshots?
A Yes.
Q Yes. Didn't sound like firecrackers or anything?
A No.
Q Did you ever see the officer's hands or arms or a arm or hand come out of the driver's window?
A No.
Q Did you see his gun come out of the driver's window?
A No.
Q Is it because it didn't happen or because you didn't see it?
A I did not see a gun out of the window at all.
Q Okay. And were you, when you said that

you were looking at the driver's side of that car, you see the back of Michael Brown?

A Correct.

Q So he's a big guy, right?

A Yeah.

Q His body would have been blocking the window; is that right?

A That's right.

Q As far as how Michael Brown was, I know you already described what you observed as far as his arms and you said you couldn't see his hand, but did you see his body moving in any way or was he standing still?

A He was just standing there. I don't think he was really moving like, nothing like that in front of the cruiser and then you see him take off running after the first two shots that's all I seen.

Q All right. So now you're saying that you didn't want your mom to give the police your name, is that because you didn't want to be involved or is there another reason?

A Because I didn't want to be involved and I didn't want to be sitting here doing this.

Q I understand. You're not the first person to say that. Do you know, did your mom and/or dad

have a discussion with you and your sister about coming forward to talk to the police?

A No, she just told me that she felt bad she didn't say nothing. And I was like, if you feel bad, then go say something. I didn't know she was going to tell y'all my name. Under oath you've got to tell the truth.

Q What about your sister. Now, has your sister, to your knowledge, talked to any police?

A I don't think she has.

Q When is the last time you talked to your sister?

A Yesterday.

Q Okay.

MS. ALIZADEH: I don't have any other questions. Grand jurors may ask you questions next. Any questions from any of the jurors?

. I want to go back to the minivan, figure some things out about the layout of the minivan. What color is this minivan?

A It is

A : Your mom was driving?

A Correct.
Your dad was on the --
A Yeah, passenger side in the front.
: You were in the second row?
A Right.
: And you said your niece was behind you?
A Correct.
: This vehicle has three rows?
A Yes.
So you said you were in the middle?
A Correct.
You could see straight out the window?
A That is correct.
Okay. Most minivans the layout is when you open the door --
It's got the two seats and then it's got two seats.
: Bench seat is in the back?
A Right.
: I was trying to figure out

how you got in the middle?

A Because I was in the spot where there is no seat. I was on the seat, but I was already in the middle doing something with my sister, and when we were turning in. I mean, I know that sounds bad, supposed to have your seatbelt on and all of that stuff, but that is how I was sitting.

: Okay. You mentioned that you was bringing something to your Could you tell us what you were bringing to your ?

A

Can you tell me the year and make of the minivan that you were in?

A No, I cannot.

: Do you know Dodge, Chevy, Ford?

A No, I don't know any of that.

: So you're saying you were not sitting in the middle, you were leaning in the middle?

A No, I was sitting in the middle. There's like in between the spot, between the seats and stuff there is a little thing right there. I don't

know what it is called, but yes, I was sitting there because I was talking to my sister and I was leaning over doing something and I had my dog, but other than that, yes, I was sitting in the middle.

MS. ALIZADEH: You had what?

A My dog, I have a

MS. ALIZADEH: So your dog was in the van with you?

A Yeah.

MS. ALIZADEH: Okay. I didn't know that before, okay.

When you saw someone standing outside of your window, I guess on the sidewalk, was it a younger female?

A Yes, a little girl.

: What did she do during all of this?

A She just kind of ducked on the side of our van. That is another reason why we just didn't pull off.

: She stayed there the whole time?

A Yes.

Until the final shots were fired?

A Yes.

: Okay, thank you.

MS. ALIZADEH: Ma'am, when this all started, were you focused on what was going on in front of you?

A I was not when it first happened, I didn't really pay attention until the first gunshot, but then when I heard the first one, I immediately was looking out the window.

Q (By Ms. Alizadeh) So my question is in response to one of the questions of the grand jurors, were you paying attention to what the girl was doing the whole time, or was it that after it was over you looked there and she was still there? How do you know she stayed next to your van the whole time?

A Because she was there when we, when everything was getting ready to turn off, she was still standing by the side of my vehicle.

MS. ALIZADEH: Okay.

A She was walking up the street when we stopped. You seen her walking up the street, I mean, I pay attention to everything that's going on around me.

MS. ALIZADEH: Was she walking toward West

Florissant?

A No, she was walking east.

MS. ALIZADEH: Okay.

. So I just want to make sure you're saying that your van was, your car, your van was on Canfield at Coppercreek, or a little to the east?

A Correct.

You did not, I'm asking this question, did you or did you not know about the robbery?

A No, I didn't.

: And the fight with the police officer when you gave your statement to the officers on August 14th?

A No.

: You did not know about that at the time?

A No.

: I just want to make sure, you said you didn't see the officer have his gun drawn when he got out of the car. I want to make sure that you saw him draw his gun or you didn't see him, did you actually see him draw his gun?

A When he got out of the vehicle, ma'am, he

had his hand on his waist.

: Okay.

A He was chasing after Michael.

Okay.

A He didn't have his gun strawn until Michael actually turned around and started coming towards him.

: Okay. I just want to make sure that the police cruiser is pointed towards West Florissant?

A Right.

It is at an angle?

A Right.

: And you were in front of the car?

A Correct.

: There were about two car lengths between you and the police officer's car. Nobody was in front of you?

: No.

Nobody was behind you?

: What about the inside of the police officers car you didn't see anybody, any car, nothing?

A No.

: And can I ask how old are you?

A

Were you living with your parents?

A No, I was staying on

: Okay. That's all.

MS. ALIZADEH: I just, I didn't ask you this and I apologize if Sheila asked you this. Can you use the laser pointer and show me on that map Grand Jury Exhibit turn around to pace.

A He was right here. He started running this way.

Q (By Ms. Alizadeh) So are you, some people are good, some people are not good about estimating distances.

A Okay.

Q Are you good at estimating distances do you think?

A Pretty good.

Q Can you give an estimate as to how many feet. And if you can't do feet, Sheila had said before use car lengths as an explanation, but how far he traveled from the time he turned around until

he fell into the street or fell on the street.

A I'd said about two or three feet.

Q About what?

A Two or three feet.

Q Two or three feet. So you had used the laser pointer to say he was about right there when he turned around?

A He turned around here. (indicating)

Q Where did his body come to rest?

A Right here. (indicating)

Q So where I'm pointing is that about right?

A Uh-huh.

Q Did you ever see him run off of the street?

A No.

Q Never saw him get in the grass or turn up into a park lot or anything?

A He didn't do that.

MS. WHIRLEY: I want to make sure I heard clearly. When he turned around and charged the officer, he only moved two feet, two to three feet.

A I'm not exactly sure how many feet it was, but I know for a fact that he was in front of this patch of grass when he turned around and I know that his body landed here for a fact because I was

standing there and I seen the whole thing.

MS. WHIRLEY: Okay.

A Or I was sitting there.

MS. WHIRLEY: You kind of described it as charging at the officer once he turned around?

A Right.

MS. ALIZADEH: So you're saying he only moved a couple of feet, though, in that charge?

A Well, yeah, because he didn't get far before the officer started firing because I wasn't going to, he didn't let anyone run up on him.

MS. WHIRLEY: So as soon as he turned around and started moving towards the officer two to three feet, the officer started firing?

A Yes.

MS. WHIRLEY: Is that right?

A Yes.

. I just want to make sure I understand. What you are saying, you are saying that the officer started shooting when Michael Brown ran to two or three feet, charged two or three feet, you're not saying that's all he charged?

A That's not all he charged, but like he turned around and he started running towards him

charging, he told him to stop like three times. Like two or three feet he got before they started shooting. He kept running.

Okay.

A Like the first few bullets didn't have any phase in it, he just kept running.

: So he didn't just go two or three feet, he went two or three feet when the officer started shooting?

A Correct.

again. Could you see, I guess in one of your transcripts, you said he shot him three times. Did he actually see him getting shot three times?

A I don't know if it made contact. He fired his gun three times at first.

: Okay.

A And then he said stop some more and he kept coming and then he fired the gun four more times.

: Could you demonstrate how he turned, or when he stopped and turned around and started coming back towards the officer?

A Yeah, but like when he was running away, he kind of like stopped for a second. And then kind

of like he put his arms up and he started charging towards the officer like this. (indicating)

: Okay. So he never did this? (indicting)

A For a second it looked like he was going to put his hands up, but he brought it back down. When he charged the officer like that, that's when you heard the first three gunshots.

I don't know where he, I guess the little thing on the fucking news where it had it in his hands. So that's where I assumed where it hit him. I did not see it hit him.

: You are saying he went like this and then like this? (Indicating)

A Yeah, he kind of like, he thought about putting his hands up for a second. He just didn't do it.

: Is that when he proceeded to charge this officer?

A Correct.

MS. WHIRLEY: Okay. Let me make sure I'm clear. This is really an important part for a lot of, I think the grand jurors. When you said it looked like he was thinking about putting his hands up or not?

A That's the point, it looked like he may have thought about it. Like he wanted to.

Q (By Ms. Whirley) So was he doing it?

A No, he like, his hands were open at first, and it looked like his arms were going to start to go up.

Q Did they go up at all?

A He got like shoulder length like this and then he balled his hands up and then he went like, folder his arms in and started charging towards him.

Q Okay. So you demonstrated that his hands were open and they went up shoulder length and then they came down and balled up?

A Correct.

Q And that's when you said he charged at the first two to three feet?

A Right.

Q The officer shot him several times, you think three, so that didn't stop him?

A It was three at first. I don't know if the bullets, it was three shots at first and then four.

Q Okay. The three shots and then what did Michael Brown do after those three shots?

A He kept running.

Q He kept running toward the officer?
A He kept trying to charge him.
Q Do you have any idea how he came to the officer. After those three shots?
A Right. And then he fired four more rounds and then it was like maybe two rounds after that. Maybe one or two.
Q Okay. When he fired the four more rounds, what did Mike Brown do?
A He kind of stopped. He kind of staggered a little bit and then he kept kind of coming forward but he was running as fast as he was. And then I heard the last two shots, I believe it was. And then you seen him like stop and he fell to his knees and his face hit the concrete kind of hard.
Q Okay. So those last four shots you said he stopped and he staggered?
A Uh-huh.
Q How many more feet did he --
A It really wasn't no feet after that, maybe like a few inches after maybe.
Q And then the officer fired two more shots?
A Correct.
Q How close was the officer to Mike Brown when he fired those last shots?

A Probably about as far as she is from you.
Q We'll do it, okay. I will walk back and you tell me when to stop?
A Okay. It was like right there, like right there.
Q So like 15 feet or so maybe?
A Right.
Q That's how far the officer was when you fired the last shot or heard?
A Correct.
MS. ALIZADEH: And, ma'am, you said the officer was backing up?
A He was backing up the whole time he was yelling at him.
MS. WHIRLEY: When he was firing those last shots, was he saying anything, the officer?
A I don't believe so, no.
MS. WHIRLEY: You never heard Michael Brown say anything?
A No, I didn't.
MS. WHIRLEY: You weren't in earshot?
A Yes.

Rather than talking distance, can you tell me about how many steps he took by the time Michael turned

around until the officer started shooting and how many more steps he took after the first round of shots?

A Uh, like the same probably, I don't know.

: 15 total steps?

A Steps, like footprints?

Q Each step, to me a step is like two or three feet, and you are describing two or three feet, in my mind that's one step. Is it more than one step he took towards the officer before he started shooting?

A Yeah.

: Multiple steps.

A I don't know how many steps physically.

: Okay.

MS. WHIRLEY: When you talk about feet, you talking about steps?

A No, I was talking about like feet and yards and stuff like that.

I just have one quick question, . Did you say that your vehicle was parked on the same side?

A No, it was the side of the streets.

: You were on this side?

A Yes.

: So you can see, you were parked here by the trees?

A Correct.

: Not that this is the actual footage, but you can see clearly straight down?

A Uh-huh.

: Did you ever see the expression on Michael Brown's face?

A No, I did not see the expression on his face.

: But you could see the charge?

A Correct.

: Okay, thank you.

MS. WHIRLEY: That's an interesting point. You characterize it as charge, could he have been staggering?

A When he first started running, ma'am, he was not staggering. He was charging this officer and that's how I feel it was, like he was running towards him. If he had got close enough, I feel like he would have tackled him up against the car.

Q (By Ms. Whirley) Up against the car?

A The cruiser.

Q So they were near the cruiser when he came back?

A He was coming this way going west towards this and the cruiser was here. He was running past this actual not too far behind the cruiser and was saying stop, stop, stop and that's when he started firing and the officer went this way instead of going back towards the cruiser, he came across the street this way.

Q The officer did?

A Yes.

Q Okay. So the first shots, you felt he was charging him after the first shots, do you still feel he was charging?

A The first three shot after that he was still charging at him and then after the fourth shot, it looked like he was staggering.

Q Okay.

. Could you not see his face?

A I could see his face.

: Michael Brown's face because it was up or down or did you not pay attention or could you not tell?

A I would be able to see his face, but he

was kind of like running like, like I said, like a football tackle, like he was going to tackle the officer. I couldn't really see the expression on his face.

: Okay. So it is not that you were too far to see it, it was just that you weren't at a good angle to see it?

A Correct.

You didn't hear him making any noise at all?

A No.

: He didn't scream, he didn't act like he was hit?

A No.

: He didn't say wait or --

A That was the shocking part, that's what really made you pay attention.

: I give up or whatever.

A It looked like it didn't have any affect on him at all. Like it wasn't even happening.

: And there is no, in your mind, there's no way you say this young man wasn't charging?

A Correct

And there's no way he

could have been saying, you know, I'm hurting, I'm giving up, there is no way you feel it could have been mistaken?

A No, it wouldn't have been mistaken.

: This is really important.

A I'm not, you know, really big on talking to the police or defending police or anything like that. I'm just being real honest with you.

That's all right.

A I feel like the officer was in the right, that is a lot of saying. Because other than that, I ain't got nothing to do with them.

: I mean, do you feel like this could have ended up any other way?

A Yeah, it could of, if he had of just stopped running, yeah, it could have ended a different way.

That's the other way it he could have ended another way, the officer had no other choice?

A He could of had another choice, but it could have ended in him being physically hurt.

: Thank you.

. At the time he turned around, he then shot, or even when he

first turned around, did you see see him grab for his hand or his shorts?

A No.

: He never grabbed his side or anything like that?

A No.

again. What about when he was falling, you say he went to his his knees, were his hands going down at the time?

A When he fell to his knees, his arms were just like, it didn't really affect him, you know what I'm saying? His arms is like he had them right here. He just kind of like fell on his knees. He got kind of like he stopped, and he staggers and then he dropped like this and hit like this on the ground.

MS. WHIRLEY: Anybody else?

(End of the testimony of Witness 48.)

MS. WHIRLEY: We're back on the record, November the 3rd of 2014, approximately 11:20 a.m. We're going to play a recorded statement of who testified last week. It is on Grand Jury Exhibit Number 63.

(Grand Jury Exhibit Number 63 marked for identification.)

MS. WHIRLEY: We will play the recording. I don't know exactly how long it is, but I don't think it is very long. Let me bring it up and I can give you an idea.

This is November 3rd, 2014, Sheila Whirley. I was attempting to play Grand Jury Exhibit Number 63. It is not working so we won't be able to hear that one. We will hear Grand Jury Exhibit Number 49. A statement, recorded statement of . You already have the transcript for that one. We will go ahead and play that one.

(Playing the audio recording of the interview of)

MS. WHIRLEY: That concludes the statement of , which is Grand Jury Exhibit Number 49. It is approximately 12:01 p.m. Might be time for lunch.

MS. ALIZADEH: Yeah, said the lunch, she was going to go get it at noon, hopefully she will be back any time.

For this afternoon, hopefully at 1:00, will come back and then at 2:00, I have scheduled , the person you just listened to and then at 3:00, I might try to move up a little bit is going to be . He is

going to explain how radio calls work so you can understand that aspect. So we will break for lunch right now and hopefully your lunch will be here soon.

(Lunch recess taken)

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Good afternoon.

A Good afternoon.

Q Now, you were here previously on October 23rd and you gave some testimony, and then we actually had to recess early that day and we weren't able to complete your testimony, so thank you for coming back today.

What I want to start with, though, is that after your testimony on October 23rd. You and I had a phone conversation where I had called you because we were trying to figure out another date for you to come back, do you recall that?

A Yes.

Q And during that phone conversation, well, let's back up a little bit.

On the 23rd, on the day that you left after you were done testifying for the day, do you recall we talked about a notebook that you said you had written this down in?

A Yes.

Q And do you recall telling me it was like a journal that you had kept?

A Yes.

Q You asked me if I would like you to bring that notebook back with you?

A Yes.

Q Did you do that?

A Yes.

Q Is that what you have in your hands there?

A Yes.

Q So what is this notebook, what is it that you have with you?

A Um, since my prior accident, my doctor told me to write down everything so that I don't forget it because I have a habit of forgetting people or I have a habit of forgetting where I was. There is a lot of things that I don't remember. He

told me if I write it down and I can't remember it, I can always go back and read it.

Q You were in a car accident some years ago, correct?

A Yes.

Q What year?

A Um, Valentine's Day, oh, shoot, she was born, 2001.

Q And so you have memory problems as a result of an injury, head injury that you sustained in that car accident?

A Yes, I went through the windshield of the car head first.

Q And so, I don't say this to embarrass you, I think you already have talked about this when you were here on the 23rd. Do you have any mental health issues?

A I'm bipolar.

Q And do you take medication for that?

A Um, not for the bipolar, well, the medication that I take works both for migraine headaches and the bipolar, but it is actually prescribed for the migraines so that I'm not labeled.

Q So that you're not?

A Labeled.
Q Labeled.
A Labeled as having a mental illness. The doctor prescribes it as the form of for the migraines.
Q So what do you take?
A
Q And does that help you with the migraines?
A 80 percent of the time, yes.
Q Does it help you balance yourself out as far as your bipolar disorder?
A I guess. It is the only thing I take for it. I mean, I don't have --
Q How long has it been since you had a diagnosis of bipolar disorder?
A I believe it was 1985.
Q So that was well before the car accident?
A Correct.
Q And so the car accident is not the cause of your bipolar disorder?
A Oh, no.
Q And are you currently under the care of any physician or psychiatrist for your bipolar disorder?
A No.

Q Are you supposed to be?

A Would other people probably like it probably, yes, but I'm not ordered to or anything.

Q Are you supposed to be on any medication that you're not taking that you were advised by a doctor that you should be taking?

A No, I haven't taken any medication for it since 1988.

Q All right. And so when you left my office on the 23rd, you mentioned this notebook to me.

A Yes.

Q You had indicated that you write in this notebook as somewhat of a journal; is that right?

A Yes.

Q And you explained to me that you keep a notebook for each month?

A Yes.

Q And so you make entries that are dated; is that right?

A Correct.

Q All right. Did I tell you yes, that would be a good thing for you to bring that?

A Yes.

Q And then did you also talk with me at the end of the day on the 23rd, did I talk to you about

having contact me?
A Yes.
Q And did I tell you about how important it to have corroboration when someone is saying something that is maybe a little hard to believe, it is difficult to believe somebody's version of something, that corroboration is important?
A Yes.
Q And we had that conversation. And I asked you to contact and have her call me just so I know that there's and so I can verify that you had been connecting with her again and so forth, didn't I ask you to do that?
A Yes.
Q And you agreed to try to do that?
A Correct.
Q And then sometime after that we had a conversation on the phone where I was trying to reschedule you to come in and testify, finish your testimony; is that right?
A Yes.
Q And did you tell me at that time you had looked through your notebook and found the entry that you were referring to?
A Yes.

Q Okay. And is the entry from August 9th where you wrote down what you saw, is that in your notebook in front of you?

A Yes.

Q And in our phone conversation did you also tell me that you were going to tear that out of the notebook so that you could just bring that in because you didn't want other people to necessarily see what you were writing in your journal?

A Correct.

Q And did I tell you that it was important that you not tear it out of the notebook?

A Yes, you said that.

Q All right. And so the entry that you made for August 9th, is it still in that spiral notebook?

A Yes.

Q And when did you make that entry?

A For August 9th?

Q Yes.

A I made one 8:00 a.m., 4:00 p.m. and again at 9:00 p.m.

Q All on August 9th?

A Yes.

Q All right. And then in our phone conversation after I told you don't rip that out of

the notebook, did you tell me that you had read it, reread it after you testified here, but before we were talking on the phone?

A Yes.

Q And did you tell me that you realized after reading it that some of the details that you testified to in the grand jury on the 23rd were not contained in your entry in your journal?

A What?

Q Did you talk about how your journal was a little different --

A Yes, yes, sorry.

Q Than what you testified to. And did you also then on the phone tell me that, you know, thinking about it and rereading the entry made you wonder now if maybe some of the details that you testified that you have a memory of you might have gotten those off the internet?

A Correct.

Q And then did you also tell me that there was something that you wanted to tell me about why you were up in Florissant that day or why you went up to North County?

A Why did I go there?

Q Do you remember on the phone that you

wanted to tell me something about why you had gone up there?

A I didn't go up there with the intent of meeting does exist and she does live up there, I did not go up there that particular day with the intent of meeting her.

Q What is it that you told me, why is it that you went up to neighborhood that day?

A Um, why do I like to go into the all African-American neighborhoods? I like to go up there or I like to go in the city because I like to, I'll go in and have coffee and I will strike up a conversation with an African-American and I will try to talk to them because I'm trying to understand more.

Q Did you tell me during our phone conversation that you realized that you have, you may have some feelings that some may consider to be racist?

A I have feelings that others consider to be racist, yes.

Q But you told me that you didn't think that you're a racist?

A I believe that I made very racist remarks that can be very offensive to others of other races.

I don't believe, I would never say a racist remark to other individuals to their face because I wouldn't want to hurt their feelings. I would never harm anybody due to their race, gender, sexual preference or anything, I don't have hate towards other races, I just have confusion and fear.

Q Did you tell me that on the day, on August 9th, you drove up there to find an all black neighborhood because you feel that by doing that it helps you to maybe deal with your fears of people from different races?

A Yes.

Q Helps you to overcome your feelings?

A Yes.

Q And we also had a conversation that some of the remarks that you posted online were offensive?

A Correct.

Q They were racist?

A Yes.

Q And there are entries in your journal that are offensive and racist; is that right?

A Correct.

Q And we had a conversation just now before you came in here and I talked to you about the

importance of telling the truth to this grand jury?
A Correct.
Q And I told you that as long as your truthful, that you don't have anything to worry about?
A Correct.
Q Do you believe me when I tell you that these people only want the truth from you?
A Yes.
Q It doesn't matter if it's black or white, all of us just want the truth.
A Right.
Q Do you intend to tell the truth today?
A Yes.
Q Now, can you tell this grand jury when you testified on the 23rd, were you being truthful about the fact that you went up to the Canfield Apartment Complex on August 9th?
A That I was up there, yes.
Q All right. So your testimony about having driven up there and been in the Canfield Apartment Complex on the 9th, that part was true?
A Yes.
Q All right. What wasn't true that you didn't go up there to meet with ?

A Correct.

Q And your testimony on the 23rd that you witnessed the shooting of Michael Brown, was that true?

A Yes.

Q And is there anything about your testimony from the 23rd that you would like to change, clarify or correct today?

A Um, can I just read?

Q Do you have --

A This is what I, this is what I remember when I got home. I wrote what I remember at this time the second I got in front of paper.

Q All right. I'm going to show you, I told you I would copy your entry, right?

A Yes.

Q I didn't want to tear it out, I told you I would give you back your journal?

A Yes.

Q Okay. These three pieces of paper, four pieces of paper, are those your entries from August 9th?

A Yes.

Q Okay. Now, I want you to look in that notebook for me to August 9th. What was the entry

that was immediately before the August 9th entry?

A Before August 9th?

Q Yeah?

A August 8th.

Q And before that?

A It is August 7th. It goes the 6th, 5th, I believe it started on the 1st.

Q Do you make an entry every day in your journal?

A Yes.

Q This is to help you remember things?

A Correct.

Q Wouldn't you agree with me, though, that most of your other entries don't really have much to do with what happened that day, but maybe just like I had a headache today?

A That's what, pretty much.

Q So your entry, I'm not going to read them, but your entry from August 1st you have a 2:00 p.m. and 5:00 p.m. and midnight about going to a meeting, about having a headache?

A Oh, no, I went to the casino with my mom.

Q Okay. About having a headache, going out with the girls?

A Yes.

Q All right. So can you read for the grand jurors then your entry, well, let me ask you this, what's the next entry after August 9th, is it August 10th?

A Yes.

Q All right. So can you read starting with, you know, August 9th, Saturday, 8:00 a.m. and read for the grand jurors what you wrote in your journal?

A For August 9th?

MS. ALIZADEH: I will provide copies of this for everybody. I didn't have enough time to make copies for everybody right now. Yes, August 9th.

A The 4:00 p.m. entry or the entire day?

Q (By Ms. Alizadeh) Entire day?

A 8:00 a.m., August 9th, Saturday, 8:00 a.m. Well, I'm going to do my random drive up to Florissant, need to understand the black race better so I stop calling blacks --

Q Niggers, is that what you wrote?

A Yes.

Q Okay.

A And start calling them people. My dad always said you can't bear or hate an entire race because of what one man did 40 years ago.

Q All right. And then you have an entry at 4:00 p.m. Is that the next entry for the August 9th?

A Yes.

Q What did you write then?

A OMFG.

Q Is that, oh, my fucking God?

A Yes.

Q We're all adults here. I think we've all heard the words.

A It was crazy, I don't even know where I was. I did ask a QT guy for directions, but went the wrong way. I just wanted to take a drive and ended up in some apartment complex. I asked for directions again, real nice kid in a wife beater, or wife beater. He had no idea. He asked the guy in green shirt and jeans, that guy was really sweet. Then I heard a weird noise, caught my attention. It was this cop backing up saying something to these boys.

I couldn't hear, but they was the same kids I almost hit with my car, a big one and skinny one and the cop tried getting out and the big one hit the door and the cop looked pissed and tried opening the door again.

The big kid hit the door, wait a minute, the big kid hit the door with his gut, the little one punched the mirror and something gold fell on the ground.

The big one is half in the window, door, I can't remember. I swear the little one had the cops leg. I heard a noise, not sure what the guy in the green shirt -- I swear --

Q Start again, I heard a noise, start again with that sentence, the beginning of that sentence, I heard a noise.

A I heard a noise. Not sure what the guy in the green shirt was yelling. Not sure what the green guy, the green shirt was yelling stop. The big kid pulled his pants up, they was tan shorts and he started running. The skinny one took off in the opposite direction.

The cop got out with his left hand on his face and his right hand on the gun. The cop screamed, but I could not understand everyone else, everyone was screaming. I heard, lay your stupid ass down, I think that was the lady next to me. The cop was wobbling, the big kid turned around and had his arms out with an attitude and the cop just stood there. Dang, if that kid didn't start running right

at the cop like a football player, head down.

I heard three bangs, but the big kid wouldn't stop. I heard the cop say something, but not sure what or if it was just that, he was just making noise.

The cop took a couple of steps forward and then backwards and then the gun went off two more times. The last one on top of the kids' head. OMG the blood. The green shirt man grabbed my arm and said, get your ass out of here.

I got in my car and drove into the neighborhood. Somehow I went through a parking lot across the street and back to the main road, not sure how long, but police were every place with police tape.

There were other cops there. I seen one pull his gun, but he didn't fire. Don't even remember when he got there. There was a lady in the parking lot of QT. I just pulled up and asked for the closest highway, she points and I left. Then to top shit off, I got on the highway going the wrong way and had to ask for directions again. Real nice old man helped me out, home now, no cable, so not sure what's on the news.

Q And then you have another entry on that

date that's at 9:00 p.m.?
A Yes.
Q Read that?
A Talked to without telling him everything. Talked to without telling him everything. He told me first I was nuts for taking a drive up there, and second, to keep my mouth shut. He's probably right, no one will believe me anyway.
Q All right. So do you recall, you already testified that you remember me telling you that I wanted you to contact this and have her call me?
A Right.
Q And did you ever do that?
A No.
Q Why not?
A Because even though I intended, I had thought I could probably stop by and visit with her or meet up with her, she did not know I was coming.
Q So she could not corroborate that you were coming up to North County that day?
A Correct.
Q You write in this statement a lot of detail, you testified to some of that detail and

some additional detail. And you admitted that you watched the news or that you looked on the internet about some of this stuff after it happened, right?

A Correct.

Q Were you intrigued by what had happened up in Canfield after the fact?

A What do you mean intrigued? I had no interest.

Q You researched it a little bit?

A I researched the streets to figure out how I got there and how I got home.

Q Well, you remember when you talked to the FBI agent, you told them you did some searches, put in Michael Brown?

A Right, I was trying to figure out what that gold thing was that fell.

Q You read an article on the internet that talked about a gold bracelet that was at the scene?

A Correct.

Q And so you, then now, is it now that you think that it was a bracelet that came off of his wrist?

A Because of what I read?

Q Yes?

A Yes. I didn't know what it was at that

time, it was just something gold.

Q That was something that you said came off of Dorian or the skinny kid's wrist?

A Correct.

Q And is it possible, ma'am, that after this happened and you read a lot of stuff about it online, that maybe you, in your mind it is real to you, that you were up there and, in fact, you weren't?

A What?

Q Do you think it's possible you believe you were up there, but what you read on the internet you really weren't up there?

A I was up there and I wrote it before it ever even hit the news.

Q All right. Is it possible, do you think, that you dreamed about this after it happened and it feels real to you that you were up there?

A I never dreamed about it.

Q Does your medication ever make you perceive things that aren't there or does your condition ever cause you to perceive things that aren't real?

A I know what reality is.

Q Okay. That's my question. Some mental

health issues cause people to have, it is called psychotic break, where you don't know, you don't perceive reality the way it really is. I'm asking you in the past has your mental health issues ever, have you ever had a problem with that?

A My only problem is mania. I haven't had a major problem since I moved out of where I grew up.

Q And it is your truthful testimony today that you were up there and you witnessed what you testified about and what you told the FBI agents that you were really there?

A That I was really there, yes. I would go on more what is in this thing than what I would on what I said in the past.

Q As you sit here today, do you have a recollection of what you saw up there or you relying on what you wrote in my journal?

A I'm relying on what I wrote in my journal.

Q When you testified on October 23rd, were you testifying from your recollection of that day, or were you relying on having reviewed your journal?

A Having read on the internet.

MS. ALIZADEH: Sheila, do you have any questions?

MS. WHIRLEY: Can I see your folder? As I

recall, do you know Darren Wilson, the officer involved here?

A I know of him.

Q (By Ms. Whirley) Had you ever met him before this date?

A No.

Q I don't have your transcript in front of me, but I recall when you were here before there was talk about you raising money or starting a website, fundraiser for Darren?

A Yes, ma'am, but it is not for Darren Wilson. We have local elementary schools making Christmas cards.

Q I think you said first responders?

A First responders, yes, ma'am. But the current thing we are collecting donations is all LEO's that have been dealing with the long hours.

Q When did that start?

A I want to say the end of August, beginning of September. It started because of this.

Q That's what I'm asking?

A Yes.

Q So because of this, you wanted to raise money for first responders, which would include Darren Wilson?

A Not him personally, it is whoever who have been working the long hours, which would have been the Ferguson, County, LEO long hours with minimum days off.

Q Okay.

A It is not donations to give them cash, it will be homemade Christmas cards and then some gift certificates to local area restaurants.

Q Okay. And you also mentioned that you felt that Darren Wilson was doing his job by killing Mike Brown?

A Did I say that or did I say it in --

Q Do you recall saying that at all?

A I wouldn't be at all surprised, it sounds something ignorant that I would have said online, yes.

Q Is that because you were, you feel that black people should be killed?

A No, no, I'm sorry. No, I don't think, no.

Q Okay. And I again, does anybody have her transcript handy?

A I know what I said.

. I'm having a hard time figuring out how did you end up in Canfield Green Apartments. So let's go back and

take me, you get up in the morning, and you want to go to a random black neighborhood?

A Correct. I picked Florissant because I knew a friend that lived up there, or at least I thought I did.

: So you stopped at, okay, can you tell me how did you get up to the QuikTrip?

A From the highway?

From your location, which I'm thinking is

A No, I live

A Correct.

How did you get there?

A I don't know.

You don't know?

A Not any more. I have a GPS now, my mom gave me a GPS the next day.

: So then you end up at this QuikTrip and you ask for directions?

A Correct.

: Okay. Directions to what you just said?

A To the nearest highway.

: You just said the

didn't know you was coming?
A Correct. I asked for directions back to the nearest highway.
: You said nearest highway?
A Highway, yes.
: They told you --
A They told me one way and I went the other way.
Which way did you go?
A I believe it was to the left and then to the left again.
: And you did what, you turned around?
A No, I ended up in the complex.
: You can't figure out how you got there, but you can figure out how you got inside the apartment complex?
A From QT. I don't know how I got from to where I was, no.
MS. ALIZADEH: Can I interrupt here, don't spend much time looking for a transcript because I'm thinking maybe we don't have one. I don't have one in my folder. And so I want to make sure everybody is catching what's being said and I will double check to see if we have one, but I'm kind of

thinking we don't. That would explain why no one can lay their hands on one. All right, I'm sorry to interrupt, but I didn't want anybody looking for something that wasn't there.

: So this random black neighborhood, did you find it?

A Did I find it? Yes, turned out to be Ferguson.

: Okay you just kind of -- lives in Florissant, but at the time I thought lived off of Florissant and the address I have --

: You already stated that your intentions was notes to see ?

A Correct. What I said was that was not the intent, but that -- can you reread what I said?

MS. ALIZADEH: About when?

A I was going up there --

: To find a random neighborhood.

A I'm sorry?

. Okay. Let her finish talking and then you ask her again what you want her to answer. Don't talk over top of her because we don't understand what you say or what

she say.

MS. ALIZADEH: And that is true. Also for the court reporter because he can't, it is very tough for him to take it down when people are talking at the same time. So go ahead, continue. . I'm just getting to the point where you said you were going to find a random black neighborhood and then you just made a statement you were looking for that lived in Florissant. I'm trying to figure which one is it?

A That's not the reason I went up there. I went to find the random black neighborhood like my journal says. Then I thought, I mean, I picked that neighborhood because of had no idea that I was anywhere in the area or that I was coming. You picked the neighborhood before you left ?

A Correct. I picked the general vicinity, yes. When you are reading your journal from 4:00, basically what I have here is you explained what you saw, and it wasn't a lot of previous statements that you said before, a lot of it was different. But in your

journal you said the little one had the cops leg?

A Correct, that's what I remember at the time that I wrote this.

: Okay.

A I don't know where that came in.

Okay. And I just want to make sure, you know, I understand that you are confused and it helps us.

A I know it sounds like I'm lying too, that's why --

: I don't think you are lying, I believe you are confused, I think you are confused. I understand that. I want to know, just look at me and tell me, what you are telling us --

A Yes, ma'am.

: Is you saw Michael Brown charging the officer without a doubt in your mind. This young man didn't have a reason to do this, so could you have been mistaken about what you saw?

A It looked to me like he was going after the officer like a football player.

: Okay.

A Did I know what I was seeing at the time? No.

: Okay. So your perception

is that he was charging the officer, but you don't know for sure exactly what was going on. You were lost, you were out of your surroundings?

A Correct.

: So you can't really say exactly what was going on?

A Correct. And also, according to my journal, I guess the recollection of the officer's talking to the two boys before he backed up was what I read online and not what I seen.

: So you think there could have been, and you have said this, there is a lot of blurry lines there as far as what you read and what you really saw. So all you have to do is these bullet points about what you think you saw on that day and this was at 4:00, so this was after a three and a half hour time frame when you are trying to find your way home, you are trying to find, you are getting lost in the neighborhood.

I'm not saying you are lying, (sic) I'm really not. I think you are confused. I want you to understand what you're saying could have been misunderstood.

A I suppose, yes.

Okay. Thank you.

. Was this the first time that you had done sort of an exploration of a predominantly African-American community? Do you have other journals about previous statements --

A Yes, I do it all the time.

: How often?

A Um, probably about twice, two, three times a month for years. And there's other days in this journal as well that I did it, even after this date.

MS. WHIRLEY: What's the last date of your journal?

A For written, I don't think it was the last day of August, I think I skipped the last day. I skipped a weekend too somewhere in here. August 30th was the last day.

MS. WHIRLEY: They are not consecutive days that you write in your journal, correct?

A It went every day in a row except there is, I believe, it skips from the 22nd to the 24th, so I didn't write it on the 23rd.

MS. ALIZADEH: So they are consecutive, but not daily?

A Right, because like on August 22nd, the 22nd I decided to take

didn't get home until Sunday, so I didn't write in it Saturday.

MS. WHIRLEY: Can you remind us how you first came to give your statement to the police or the FBI?

A How I came about it?

Q (By Ms. Whirley) Did they come find you, you find them or what happened?

A No, ma'am, I called them.

Q Who did you call?

A I don't remember. It might have been just the non emergency number.

Q You called the police. What day was it that you called them?

A I don't know.

Q Did you not journal it?

A Wait a minute, it wouldn't have been until September. I think it wasn't until the first week of September.

Q You didn't journal in September?

A No, I did. I don't have September's with me. I mean, I don't believe I contacted them until the beginning of September.

Q But you're not sure when you contacted them?

A Correct.
Q All right. And so you contacted the police and how did you talk to them, did they come to you or did you come to them or on the phone or what?
A I went to them. I believe it was here, no, it was down the street at the headquarters, not the two court buildings, but.
Q It was the county police and not the FBI or was it all of them?
A No, it was the police. The FBI, there was a gentleman there from the FBI.
Q When you call the police, what do you tell them?
A I don't remember, it would have been in the effect of what I've seen.
Q It is our understanding you did not see what happened initially when Mike Brown was at the police car?
A Not the first time, no.
Q Did you tell them that you saw it?
A I might have, I don't remember.
Q So sometimes you tell the truth and sometimes you don't?
A I told them what I remember and what I had

read online at that point had become jumbled.

Q So you don't know when you're telling the truth?

A No. I know what I had seen and what I had read online for the first day itself right prior to going up there would have became jumbled, and than I would have gotten facts confused because my memory would have been gone as far as what I truly seen every detail.

Q My question to you, you're not sure when you are telling the truth and when you are telling something that you may have just read?

A No, I know when I'm telling the truth.

Q So were you telling the truth when you said you saw Michael Brown at the car or is that something you read?

A That was something, the first time?

Q Whenever?

A At the car is something I read. The second time he was at the car after the officer backed up is where I started paying attention and watching.

Q Okay. So you were not telling the truth initially?

A Okay. I'm sorry.

Q You either were telling the truth or you weren't?
A I guess not, no.
Q Okay.
A It was not set out to be an intent lie.
Q Do you consider yourself a racist?
A Do I consider myself to be racist? No, I don't.
Q What is a racist in your opinion?
A In my opinion somebody like, honestly?
Q Please?
A Somebody that would harm or say it to their face or harm them physically or, you know, like the KKK, that is not right.
Q So the KKK would be racist?
A In my opinion, yes.
Q Are you affiliated with the KKK?
A No, ma'am.
Q Do you know any KKK members?
A No.
Q So when you just use derogatory language towards another group of people, that's not racist to you?
A It is racist, but I don't, I say it towards white people too. Use it like the B word,

like bitch.

Q I mean, when you use the word nigger, you don't think that's being racist?

A I do think it is being racist, yes. I have a racist vocabulary. I would never in my life harm anybody just because of a race.

Q Well, because Michael Brown was a black young man and I guess that's a nigger in your opinion. If he's black, is that what you mean by nigger?

A When I seen him, he was nothing more than a kid.

Q When you say nigger, my turn.

A Sorry.

Q When you say nigger, is that related to black people, white people or what people are you referring to?

A Assholes, I don't know. I don't mean it.

Q I just need to know when you use the word nigger, who are you referring to. You referring to white people or referring to black people?

A I refer it to a lot of white people, yes, ma'am.

Q When you write nigger in your book, nigger on your blog or your internet communications, what

people were you talking about?

A At that time I was talking about black people.

Q Okay. That's all I'm trying to find out.

A Okay.

Q So you talking about black people now, Michael Brown was black, right?

A Yes, ma'am.

Q And you said the officer was doing his job killing him, right?

A Yes.

Q Okay. And you feel like you need to help the officer, is that why you're here, you want to make the officer look better than he looks and make Michael Brown look like a nigger?

A No.

Q If it is true?

A All I want is the truth, no, no.

Q He's dead?

A I don't wish anybody dead. I don't care what color you are, I don't care what gender you are.

Q When you said the officer did his job by killing the young man?

A That wasn't all that though, a lot of it

was because of what I had seen. I feel that if I was in that situation I probably would have ended up shooting him too.

Q You said you didn't see what happened at the car, you saw him come toward him like a football player. You are not even sure what was going on then. So not knowing what was going on, you felt he should have killed him because he was a nigger?

A At that time, no, it is not because he was black.

MS. WHIRLEY: Nothing else from me.

. You have memory issues you said, short term memory. Does that memory kind of go away after you sleep or throughout the day you have lunch and not remember you have lunch or would it be the next day that you kind of have memory lapses?

A Now, I remember I've eaten. Like for several years, yes, because I went from 195 down to 120 because I would forget if I ate or not.

Now that it has been a number of years, usually it is the details of a situation. I have to meet you, hear your name, talk to you every day. There's still next door neighbors that I live next to that I have lived next door two and a half

years I still can't remember their name. It will go seconds after you tell me.

: Your journal entry 4:00 p.m. has a lot of detail in it. Seems like, your memory must have been pretty good from that point after you got home.

A Yes, no, it is not so much that as it has to be really traumatic. Like I won't remember your name, if I see you outside, if we take a break, I go out there to smoke and I see you, there's a 99 percent chance I won't recognize you. I will probably, if you are smoking I would walk right up to you and say hello and not realize that I had just talked to you in here.

If something major happens like I can give you in detail from two weeks ago when a dog got hit by a car because it was horrible thing to watch, but.

Now,

you had said before that you had visited other African-American or black communities, like three a month, or something like that sometimes, or whatever, but -- or three a day?

A Three a month.

: I'm confusing myself.

Okay. Can you tell me,

A Correct.

So you would be coming from that point all the way up to where you got off on West Florissant. Can you tell me during this period of time or afterwards, after this shooting, what black neighborhoods you visited?

A That day or?

Since then?

A Since then. I spend a lot of time off of Grand close to Shaw. I spend a lot of time down in those areas.

I spent a lot of time down in those areas and we will go and talk to people and then the Central West End.

: Okay. Anywhere else?

A There is one that right across the JB Bridge and something called Bellview, Belleville, bell something, but I'm not sure.

: Got me, I don't go that far.

A I used to live in East St. Louis. I know that area a little bit.

: Uh-huh, okay. Just to

clarify the reason between when you get on and go north.

A Correct.

You cut off on and what you got over there you have your

A Yes, I used to live in

Is that right, what street?

A In those when they were first brand knew. We were one of the

: Uh-huh.

A We moved out, we were there we moved out

Okay.

A We had just moved out like just a few days prior to that situation.

I see. Do you recall the name of the street you lived on?

A Dang it. was the name of the

I don't.

: Okay.

A Dang it, and I remember I think it was,

that worked in the office.

: Uh-huh.

A You know, I do remember the

Uh-huh.

A

:

A But I could never come up with the address.

: Those are built on When we used to there, they used to call it

A I used to have friends in there before the when I was a teenager.

: I understand. The reason why I ask, there is a lot of black communities from where you are to where you get up to where you were, you could of made a stop in some of these black communities?

A I've been in there.

Have you been anywhere else?

A I could not tell you where it was or how I

got there until this, because my mom gave me a GPS. I have not gone as much north since then. I have spent more time in the city.

: Uh-huh.

: Those same apartments you said you grew up there as a teenager?

A No, I didn't grow up I had a friend that lived in and I worked at the and I would take my friends home all the time.

So, I mean, I drove through throughout my teenage years taking friends or picking them up and taking them home. I didn't actually move to until those were built. I have no idea what year it was.

You said in your journal during your 8:00 a.m. entry, you said that you were going to go try to find a black neighborhood too, so you could associate better with black people because your dad said you should not judge one race of people based on something that happened four years ago.

A 40.

: What happened 40 years ago that would cause you to have any kind of

contention of this type, 40 years you talking?

A

:

A

: Okay.

A

: You do still have them?

I don't want to see them.

A

A

MS. ALIZADEH: Does anybody have any other questions? No, okay.

(End of the testimony of

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

MS. ALIZADEH: This is Kathi Alizadeh. We just had a short break and so now we are resuming our afternoon session. Sheila Whirley is present, as well as all 12 grand jurors and the witness is here and we're going to, as well as the court reporter who is taking down what's being said.

BY MS. ALIZADEH:

Q Could you state your name, please?

A .

Q What is your occupation, sir?

A At this time I'm the assisting St. Louis County Emergency Communications Commission with deployment of the new 800 megahertz radio system in St. Louis County.

Q So what are your duties and responsibilities in that position?

A At this time I'm assisting law enforcement disciplines with the installation, design and

programming of their radios.

Q And how long have you had that position?

A Two years.

Q Prior to that, where were you employed?

A I was employed with St. Louis Electronics, they are a Motorola dealer, was with them for 17 years. Prior to that, another three years with a radio distributor.

Q So has your entire career been in the law enforcement radio communications business?

A Right. Past 23 years, yes.

Q And do you have, well, can you tell the grand jurors about your educational background?

A Sure. I hold an associate's degree in electronic technology in communications. I also hold a ham radio licenses and an FCC license, which gives me the opportunity to work on large transmitters for like broadcasters and everything. Twenty years ago that was one of the keynote things that you had to have to be able to get into this field.

Recently they have kind of gone away from it and have other things, but I had, when I was with the Motorola dealer, Motorola very keen on making sure their sales consultants and engineers

had training. So on a yearly basis I had to go for updates on the new technology that was coming out.

Q So were you working for the, as a Motorola salesperson back when the City of Ferguson got their radio system installed.

A Right. Back then, and it has got to be six, seven, I would have to look back, I replaced their console, their dispatch console from a button to a CTR, a computer driven dispatch console, which is used just to dispatch and turn on the radio transmitters along with filling in with some new portable and mobile radios.

There is about a 10 to 12 year life expectancy on mobiles and portables. At that time they needed new equipment and I sold them the new equipment and also programmed it with the frequencies that was needed.

Q And you think that that was about six years ago or thereabouts?

A Six to eight years. They usually buy different times of the year because of their budgets. One year they might budget for ten radios and next year five radios. The following year new mobile radios.

Q So it was at least before August of 2014,

correct?

A Definitely.

Q And so do you think, are you familiar with the radio system that the Ferguson Police Department uses?

A Yes.

Q Okay. And, um, are you aware that Ferguson dispatches for themselves?

A Yes.

Q And so what does that mean, what does a dispatcher, and explain what it means when a municipality may dispatch for themselves as opposed to something else.

A Well, they take the 911 call, they're considered a peace effort. It is a public safety answering point, they take the 911 calls, they look, they usually have a CAD system, computer added dispatch piece of software that they type in the address and they assign it at car and that car is then dispatched through the console, radio console.

Q And so I understand that this is all done with computers, but there is a person who is the dispatcher, correct?

A Correct.

Q All right. And so now do all

municipalities dispatch for themselves?

A No, in Ferguson's case they have Country Club Hills and Calverton Park, and the new entity Flordell Hills. They dispatch for those three other agencies also.

Q Are there some municipalities that you are aware of where St. Louis County communications dispatches for some municipalities?

A Off the top of my head, there is like 23 different agencies that they dispatch their departments.

Q Okay. So let's get some, I guess, vocabulary out of the way. You talked about a transmitter. What is a transmitter?

A Transmitter is basically a box and it has a components for transmitting at different power levels they are programmable it is also box transmitter also is a receiver so it also receives radio transmissions as well as when the dispatcher keys up or pushes the talk button it turns transmitter on and the voice goes out through the transmitter.

Q Okay. And where is the Ferguson Police Department transmitter?

A It is on their back parking lot where

there is a cell tower that's back there and their tower and their antennas are on top of that tower. At the bottom of this tower is a little shelter that their transmitters are placed.

Q So the antenna is on a tower and the transmitter is on a box inside the shelter?

A Yes.

Q And then this is behind the Ferguson Police Department?

A Yes.

Q And so the console where the dispatcher would sit, is that inside the Ferguson Police Department?

A Yes, and it's wired line out to the transmitter.

Q And is that on a, like a phone line or?

A It is like a phone line. It is not going through the phone system system's network, but it is like a pair of Cat 5 or a twisted pair of wires that are going out to the transmit site.

Q So the dispatcher can communicate via the transmitter and she can receive, I say she, the one I'm thinking of is a she, can receive communications via the receiver?

A Yes.

Q All right. And you mention portable and mobile?

A Right.

Q And so explain what a portable radio is?

A A portable radio is what you see on the officer. It can be held in his hand to transmit, or a lot of them, a majority of them have what we call a remote speaker mike, which you'll see right on their shoulder that they can just key up the radio and talk and the walkie-talkie or portable radio is on their hips.

The mobile radio is mounted usually inside the car and is usually a higher powered type of road versus portable radio, which is a 5 watt radio.

Q So I'm going to show you, I haven't marked it, it is simply for demonstration purposes, but is this a mobile radio?

A That's a portable.

Q Portable, see, I get mixed up. I just learned all of this last week. So this is portable radio?

A Yes.

Q And this would be something that the officer would wear?

A Yes.
Q And what is this part?
A That is the remote speaker mike.
Q That can be worn on the epaulette on the shoulder on the officer's uniform?
A Correct.
Q And so does the, does this radio have a transmitter in it?
A Yes, it does.
Q And does this radio have a receiver?
A Yes.
Q What about the car radio, that's the mobile radio?
A Right.
Q Does that have a transmitter?
A Yes.
Q Does that have a receiver?
A Yes.
Q So when an officer is in a vehicle and they have their mobile, can they have their portable radio and their mobile radio on at the same time?
A Yes.
Q And can they have them on the same channel at the same time?
A Yes.

Q And what would happen if an officer tries to transmit, for example, on his mobile mike, so the car radio, while his portable is on and turned up?

A You get a horrible squealing. It is called acoustic feedback, and it's a horrible squeal, it's like you're in a room and the microphones are turned up real high and you get that squealing noise, that's what the officer gets. And also at that time that is also being transmitted back to the dispatcher. So she will sometimes say, turn your walkie down or turn your walkie off.

Q Again, so we can kind of, the walkie refers to the portable radio?

A Correct.

Q Okay. And so can an officer be in his vehicle and have his mobile radio on a particular channel, but have his walkie on a different channel?

A Yes.

Q And if he speaks on one of those radios, do you get that squelch or that feedback?

A No.

Q Okay. Is there anyway for an officer, how does an officer select a channel on the walkie?

A He has, there's two buttons and the one on the outer and this is usually a standard on all

Motorola radios, the one on the outside is your on and off button, and your volume control and then the center one is your channel selector and it has little ratchet clicking noise to it. A lot of the officers know by clicking it two or three times on what channel they're on.

Q And so on this particular radio, the buttons are different height, correct?

A Correct.

Q And different shapes?

A Correct.

Q And they have different feel to them as well?

A Correct.

Q And is it true that on all the Motorolas channel selector is in the middle?

A Yes.

Q And so, and then the other button you said was an on/off and volume?

A Yes.

Q And how many channels does a portable radio, how many channels can that radio turn to?

A Most of them all are 16 channels on the channel selectors always usually 16.

Q Are there also 16 channels in the mobile

radio?

A Yes or more.

Q And that's in the vehicle?

A Right.

Q So you said that the ones inside the vehicle are usually a higher power?

A Yes.

Q And so in Ferguson, do you know how high of power the ones in the vehicle are?

A They are 50 watts.

Q And what is the power of the handheld?

A That's 5 watts.

Q Okay. And so let's talk about the RIOT channel. You familiar with the RIOT channel?

A Yes, I am.

Q And so can you, what does RIOT stand for, it doesn't mean it is just for riots?

A Correct. It is Radio Operability, Radio Interoperability Tactical.

Q So it's an acronym?

A Yes.

Q So what is the purpose of the RIOT channel?

A It is to be used for any type of events that needs St. Louis County or any of the other

municipalities to be able to communicate together in some type of event.

Q All right. And are you aware of how many RIOT channels there are in St. Louis County?

A There's a RIOT A, B, C, D and E, so a total of five.

Q Okay. Now, when a police department purchases and installs a radio system, are the channels uniform throughout each municipality or does each municipal decide what channels they want?

A They mostly decide which one they want. There is mostly a standard that every radio has at least RIOT A. Some will put RIOT B in, some won't. Some will just keep RIOT A their preference.

Q So would it be, for example, I'm just saying this, for example, like channel one might be the dispatch channel?

A That's always usually the dispatch channel.

Q Okay. And then what other kind of channels are there for the radio?

A There's a mutual aid channel.

Q Mutual aid?

A Right, which is once again kind of an inoperability type of channel, most every radio

within the state, mutual aid channel. There's a point-to-point and that's used for dispatchers to be able to talk to other dispatch centers. It is always in that as receive only. The licenses set up for base station transmission only, no portable radios can talk on it so they don't interfere with the radio traffic being transmitted to each of the different dispatch centers.

Q So if an officer has his radio on the point-to-point channel, he can hear other dispatchers that might be talking to each other?

A As long as he's within the range of that transmitter.

Q Okay. We'll talk about the range in a second, but that's the purpose of that?

A Right.

Q They can hear it, but they can't transmit?

A That's correct.

Q Okay. And so what about the RIOT channel now, how does that work. If someone got on the RIOT channel, who can they talk to?

A Um, as long as the neighboring municipality, they have it set up to have some type of DWI checkpoints or something like that, they would use it.

Q So if, for example, the president or vice-president was going to visit St. Louis and the St. Louis County Police Department was going to provide security for that visit, would they use the RIOT channel for a period of time?

A Definitely they would secure that channel for that event.

Q And so if any municipality or anybody that has these radios can talk on the RIOT channel, how is it that they know not to use it if, for example, there is a presidential visit?

A There's pretty much a notice that goes out through St. Louis County saying between this date and this date, you know, that's going to be used for the president coming to town. They even have it set up for the one golf tournament at one of the country clubs that they do security with they might secure that channel for that.

Ballwin Days, they would request the St. Louis County, we have Ballwin Days going, can we use the RIOT channel, and they usually approve it unless there's something, an event that's going to happen, they will reserve it.

Q It can be used for preplanned events, what about events that are not preplanned?

A That's kind of a go-to if you are on it using it for an event and something larger comes, everybody goes to a different channel.

Q So, for example, if there was a hostage situation that was occurring in South County and the County Police had mobilized and their attack unit was on scene and various precincts maybe have been called in for this situation. Would that be something they would advise all of those officers to turn to the RIOT channel?

A Definitely, that is the go-to channel basically.

Q So the theory is at that time the officers that are using RIOT channel are all using it for the same purpose, they all know what's going on, they are there for that particular event?

A Correct.

Q So now, let's talk about, we talked about when possibly a call could be received and not received. And you and I met last week and you kind of had to educate me on a lot of this, but we talked about the fact that whether or not a call can be received by somebody might, in part, be determined by signal strength, correct?

A Correct.

Q So given that the walkie-talkies?
A 5 watts.
Q 5 watts. That's a lower signal strength than the mobile radios in the cars, correct?
A Correct.
Q And then how many watts does the dispatcher has?
A The dispatcher, most of all in St. Louis County their base stations, their transmitters are at least 100 watts.
Q Okay. And so there is another thing that might affect whether or not a transmission is received is the distance away from the dispatch transmitter that the radio is, correct?
A Correct. It is kind of a line of sight. So anything in between this antenna and that dispatch center can reduce the radio transmission to that receiver. So if there is a building, even trees, large thick trees, any steel structure reduces that capability of that transmitter to get to that receiver.
Q What about the height of the antenna, does that also affect the transmission?
A Yes. And especially if a portable radio. Being on your hip can reduce that 5 watts to almost

half if it is touching your body or if this officer is a large person, that can really cut down the power.

Q Okay. So would it be uncommon then that maybe an officer who is using his portable walkie-talkie could call out and transmit something and the dispatch not hear him?

A Yes, very much so.

Q Okay. Also, we talked about the different powers and strengths of these radios, is it possible for other officers when they're on say the dispatch channel, can an officer in car A hear officer in car B transmitting a call?

A If he's close enough. Only if he's close enough within, you know, a range. On a portable radio, it is usually a mile tops, not too much unless you are out in Kansas, straight line, nothing there, maybe a mile and a half or so. These are very low power. He would probably hear the mobile radio more than he would hear the portable radio.

Q So to understand this, when someone in the vehicle transmits on the mobile, and let's say they are going to talk to another car, does that transmission go from their mobile to the transmitter tower behind the police station and then go back out

to that car?

A No, it is just radio to radio, from mobile radio to mobile radio.

Q And can you do that, can you talk to other cars when you are on the dispatch channel?

A Yes.

Q Okay. And when other cars are talking to each other, can you hear that maybe when you are on the dispatch channel?

A Yes.

Q But I'm gathering that you might not hear it depending on how far apart you are?

A Correct.

Q And where the radio might be, correct?

A Correct.

Q And so, and we heard some testimony from another officer who talked about like when he left his police vehicle and went inside a residence for a call, he might not hear transmissions that are being made by dispatch because he's a distance from the car and he's also on the walkie-talkie inside a building?

A Right. If he's inside the building, the mobile wouldn't have any factor on his portable radio. It is that building structure that is going

to reduce the capability of receiving on that portable.

Q Okay. So it is possibility for a police officer if he's using his walkie-talkie to transmit a call, but that call might not be received by local dispatch?

A Correct.

Q And that has to do with all of those factors we've talked about?

A Correct.

Q Now, are you aware that when the Ferguson dispatch receives calls or transmits calls that they actually record those calls?

A Yes.

Q So if the call is not, here is a question I don't even think I asked you this last week. When a call is not received by a dispatcher, is there anyway to tell if that call was ever made?

A No, because that recorder is connected to the receive portion of the dispatch console. So whatever the dispatch console receives and hears, that is when it is recorded.

Q Okay. Is it possible, are there occasions when a call is received like it is garbled or there's, you know, static that would make it

difficult or impossible to tell what's being said?

A Definitely.

Q Okay. Now, let's talk about when an officer is wearing his walkie for the portable radio if his car is on the dispatch channel, we talked about if he is in his car he can be on two different channels, right?

A Right.

Q If his car is on the dispatch channel and his walkie-talkie gets switched to another channel, does he get any kind of squelch or anything like that?

A No.

Q So that could happen, and if that were to happen and he was unaware of the switch, he would not know?

A No.

Q Without looking down?

A And looking --

Q At the collector?

A Right.

Q Now, I'm looking at the top of this portable radio, there's an orange button here?

A Right.

Q What is that orange button?

A When the officer presses that, it sends out a data burst that is a number that has been programmed in that radio. So it could be 1, 2, 3, 4, it will send out that data burst. It will be decoded at the dispatch console and whatever they decode it as, it could be the officer's name, it could be the car number, it could be anything, an alias associated to that radio. It could be even to that beat, it could be beat 104 that when he hits that button it will come up on the screen.

Lights flash red and a horrible noise of beeping goes off until that dispatcher hits the console a couple times to silence it.

Q And so is there any information that is transmitted other than what you said that might be preprogramed to associate that radio is the who that transmitted that.

Is there anything, can I push that red button and then say something in there?

A Yes, it also lets you to be able to transmit.

Q And this data burst that can happen if you press that orange button, does that depend upon those factors, like how far away you are, whether you're in a building or there's buildings between

you and the transmitter, are those still factors?
A Those are still factors.
Q That's also a radio signal?
A Right.
Q And it's 5 watts when it comes from there?
A Yes.
Q Okay. When an officer is wearing this type of radio and this is on his sleeve, if he has it turned to, for example, the dispatch channel, is this also a speaker?
A Yes.
Q So he can hear what's being transmitted?
A Yes.
Q Does this have a speaker on it?
A It does, but it is disabled once that remote speaker mike is connected to the radio.
Q So if you are in your vehicle and your car vehicle is turning to the dispatch channel and this is on the dispatch channel, does either of them cancel each other out?
A No, it is basically which one is turned up the loudest is which one they are going to hear.
Q So you could hear both?
A Yes.
Q If they were on different channels, could

you hear different transmissions?

A Yes, definitely.

Q But it would be if you keyed your mike, that's when you get that squelch?

A Correct.

Q So let's talk about what calls that might walk over each other. That is kind of a phrase that I used, but is it possible if an officer is transmitting from this type of a radio, a portable radio, if someone else on that same channel keys in, can that person talk over him possibly ?

A Especially if it is on a car radio, it's possible, but it's really whoever is closest to Ferguson's transmit site on the dispatch channel. It is called kind of a receiver capture effect. So that receiver in that base station, whatever hearing is the strongest is what's going to be able to be heard to the dispatcher.

However, if they mix then you get the garbling sound and you might pick out, you know, 102 or you might pick out a little bit of radio traffic. And that's when the dispatcher will usually say, car 102, go ahead with your traffic or something like that, or too many cars calling in they usually state but yes, it can happen.

Q Okay. Now let's talk about transmissions on the RIOT channel. Do those transmissions when you are on say RIOT A, if you are on RIOT A on your radio, does that transmission go to Ferguson?

A No, St. Louis County does a series of voting receivers and all they are receivers and they are like ears. And the closest radio is picked up, that audio is sent down by phone line back to another box here in Clayton called a comparator. And that takes the best audio, not the transmission, but the audio sound from that receiver and votes on which one's the best, and the best audio, the strongest audio signal will be heard to the recorder and to the dispatcher sitting at that console monitoring the RIOT A channel.

Q So the dispatcher monitoring the RIOT A channel is here in Clayton, right?

A Correct.

Q So it is not the Ferguson dispatcher who is monitoring unless she chooses to do that?

A Right.

Q And I think we talked about the fact that a dispatcher has their dispatch channel and then they have another selected --

A Unselected audio.

Q Unselected. So they can now monitor two different channels at once?
A Correct.
Q And so, so, how many voting?
A Voting receivers.
Q How many voting receivers are there in St. Louis County?
A Oh, just on the RIOT channel I'm going to take a guess. I don't have their information right in front of me, but I want to say at least six or seven.
Q Okay.
A Throughout the county north, south, east and west.
Q And so, for example, if something is going on down in South County, and the county police is using the RIOT A channel because of this incident that occurred. If a Ferguson officer calls in on the RIOT A channel when he's up in Ferguson, is it possible that his transmission will not be received by Clayton?
A Yes, especially if the receiver down south is hearing the transmission louder and it is being sent in and being voted and voter, that transmission will be just put on the side basically, won't even

come through.

Q Will there be any record that that transmission was made?

A No.

Q So the voting receiver just measures the strength and quality, audio quality of the call and then the voting receiver then selects which call they are going to put through?

A Right.

Q And so is it possible then that somebody on a walkie-talkie in Ferguson could make a call on the RIOT A channel, if County Police were using the RIOT A channel down at South County at the same time and there were officers talking at the same time, is it possible then that the Ferguson officer's call would never get recorded in Clayton?

A Very possible.

Q Is there anything that I haven't asked you that I forgot about that is important?

A No.

Q And just again if you all want to look at this, I will tell you that this is a radio from the Ferguson Police Department. It is not Officer Wilson's radio, but they have the same radios and just for reasons that you might want to look at it.

But don't try to call on it because I have no idea if it would work. It probably wouldn't transmit in here, would it?

A Want to try it?

Q No.

MS. ALIZADEH: I'll just kind of start this around and Sheila, do you have any questions for

Q (By Ms. Whirley) Well, it is just kind of unnerving, I guess, so you are saying, maybe you didn't say common, but how common is it for dispatch not to receive calls?

A Um, it just depends on the radio traffic. If it is really busy, a really busy day at that municipality it can happen. You know, one thing, I hope I'm not telling any secrets, one issue is one of the county channels which is dispatched in West County, they have Eureka, they have Chesterfield. They are so far away that Eureka officer could be keying up trying to talk to a dispatch and that Chesterfield officer, which is a little bit closer to the receiving site, is going to get to Clayton more and this guy is saying, hey, I need help or something, that Eureka officer, there is a good chance is not getting back to Clayton.

Q Wow?

A That is one of the reasons why this new system is being put in.

Q That's something to come that we don't have yet?

A Correct.

Q So that orange button that you were referring to, is that supposed to be like an emergency?

A Yes.

Q Aspect for this?

A Yes. Another way that that works, even if there's radio traffic, it is still pulsing that data out. It doesn't care if there's radio traffic on it, it keeps on trying until it gets an acknowledgment from the dispatcher.

Q And as I understand, you can be on, I guess RIOT A, which is the county?

A Yes.

Q And that orange button wouldn't have any, would it work for county or would it just go to, if you are on the RIOT A channel.

A Right.

Q And you are a Ferguson officer and if you hit that a orange button, what would happen?

A It would go to dispatch. It is programmed as a revert, so when you hit that button, if you are on channel six, it doesn't matter what channel, you hit that emergency button, it reverts that data to the dispatch channel.

Q To Ferguson's dispatch?

A Yes.

Q So even though RIOT A channel, it wouldn't be of any consequence to them?

A Right.

Q But Ferguson would?

A Right.

Q And is it your understanding that most officers are trained if you are in an emergency situation to hit that orange button?

A Yes, ma'am.

Q So if I'm in a shooting or something that would probably be one of the first things a trained officer would do is to hit that orange button?

A I can't tell you what that officer would be thinking at that time, but that is kind of, I need help, that's what I hit.

Q That's the purpose of that orange button is to supersede everything to let your dispatch know that you need help?

A Right.

Q Okay. Go ahead.

. On that point, tell us again when you would use that emergency button, or maybe frequency which is used. I gather this person on dispatch, would you see that happen once a week, once a day?

A No, very seldom, and only when it's a life threatening is my understanding is when they hit that red button.

Gotcha. And that just signifies to dispatch that dispatch needs to contact that officer as soon as possible --

A Or get help to them.

: Thank you.

MS. ALIZADEH: Does that signal go out to the other cars?

A What they will hear is just a data burst of static basically is the best way to put it.

MS. ALIZADEH: So, but only the dispatch would show what radio that was coming from.

A Correct.

MS. ALIZADEH: So would it require then a dispatch to communicate with that radio, like 105, do you need help, what's going on?

A Right.

MS. ALIZADEH: Or to put out a call to other cars, 105 is in an emergency situation and possibly give a location, right?

A Whatever their standard of their procedure is, could be both.

MS. WHIRLEY: Because most departments, I know you can't speak to all of the departments, it sounds like you are implying that most departments have some kind of procedure regarding how to use that orange emergency button?

A Correct.

MS. WHIRLEY: It is put there for a reason, right?

A Yes.

MS. WHIRLEY: And the reason is for emergency situations?

A Yes.

So the channel, the radio channel has nothing to do with the orange button, it doesn't have to be on a certain channel?

A That's correct. That radio when I programmed it, it is called revert and it reverts to the dispatch channel.

Is it common

for police officers to keep their mobile and their portable on a different channel?

A Usually, it is.

: Usually they do. Okay. So they would have to know that they are on a different, their portable is on a different channel when they get out of the car and switch it back?

A Some might just use it to listen to the neighboring municipal next to them, that is what they use it mainly, what they tell me. They like to hear what's going on around them. Maybe Ballwin would listen in on Manchester PD is doing in case they need an assistance or something.

: They do keep it on different channels while they are in the car?

A Yeah. And some keep it turned off too to save the battery and save avoidance of feedback sometimes.

. Can the dispatcher ever notify a police officer that they are on the wrong channel? Like they think they are on their department channel, but for some reason they are always on it or have a signal?

A No, there is nothing the dispatcher can see on what channel that that portable or mobile is

on. The only way if they are calling them, they know that they're not on the dispatch channel. If they are trying to call dispatch and they're not responding, yes. They will call them by cell phone or keep on calling, but there is no way that dispatcher knows.

MS. WHIRLEY: I had a question -- So there is no readings that goes out daily from all whatever happened that day? Like there is a computer generating all the radios from that day for each department, police department in the areas, different areas. There is no generated report that's coming out?

A No, not from which channel their on. The only thing I've seen where it counts how many times the radio has been keyed up. It might say it's been keyed up on this channel ten times that day, that's about it.

MS. WHIRLEY: On the mobile, I'm sorry, that's passed around, I'm sorry, the portable, thank you. The orange button is on there, is there also a an orange button on the mobile that's inside the car?

A Yes, ma'am.

MS. WHIRLEY: For the same purpose, it is

an emergency transmission?

A Yes.

MS. WHIRLEY: Because I was going to ask you, what can an officer do if he's in trouble if he may not be heard on the transmitter, but that's what he can do?

A Right.

MS. WHIRLEY: Okay.

. Is there any other way for dispatch to communicate with the officer, like through texting to display or texting to the laptop.

A There is some messaging on their CAD system, their in-car computer system. I know that exist, I can't tell you that Ferguson has that feature, but most of the agencies within St. Louis County does have a way, and they can communicate car to car also, so that officer can send a message to the neighboring precinct or jurisdiction, how am I going to say this, to the officer next to them. Would be the officers within that agency.

. You talked about red button emergency situation, that's a pretty broad for a police officer to cover, obviously, every emergency situation is going to require a red

button. You kind of mentioned a life and death situation, seems like that button is pretty much reserved for an extremely serious emergency, not typical emergency for a police officer?

A Correct.

: And that can happen very quickly. The odds of a police officer to get to that button in the time of a quickly escalating activity, that could be a question?

A Right.

It would be hard to hit that button in a very highly emergency situation that happens very quickly?

A Right. And if you notice the size of that button, you really got to hunt for it sometimes.

MS. ALIZADEH: And just on another note, for example, the situation is over, then there would be no reason necessarily for the officer to use the orange button as opposed to using his walkie-talkie because then he can explain the nature of his need for help, correct?

A Correct.

MS. ALIZADEH: And if he's transmitting, if you're transmitting from your walkie-talkie and it's not being received, other than nobody responds,

is there any way that the officer knows that his transmission didn't get received?

A None whatsoever.

MS. ALIZADEH: I send an email and it doesn't get received, I get something back saying it wasn't delivered?

A Correct.

MS. ALIZADEH: But there's nothing on the radio like that.

A No. Some departments train they officers if they don't get out, take radio out of their holster and transmit, but I couldn't tell you about, but that is part of a SOP in a lot of departments.

MS. ALIZADEH: And SOP is standard operating procedure?

A Yes.

MS. WHIRLEY: And tell us again what does CAD stands for, the CAD?

A Computer Aided Dispatching.

MS. WHIRLEY: Okay. And is that time generated, I mean, there's a CAD report, right?

A Right.

MS. WHIRLEY: Does that track the timing of the calls?

A Yes.

MS. WHIRLEY: Who puts that information in there, I know it is computer generated, correct, tell me about that?

A Well --

MS. ALIZADEH: Let me back up here. Do you have expertise to talk about the CAD system?

A I know the mechanics, the technology, you know, how they receive the timing, but as far as it is all software and every department has got a different type of CAD. So I couldn't tell you exactly what information goes in it or how the screen is. How most of them are set up for timing.

MS. WHIRLEY: That's what I want to know about.

A So a lot of departments bought what they call Net Clocks. They are little boxes that are connected to a GPS antenna and they get their timing from the satellites, just like our car GPS works. There is also timing that is done and this box kind of distributes that timing mechanism, which can go to logging reporters, their CAD, some departments I set up their consoles have this timing. So that all the timing is the same throughout.

MS. WHIRLEY: Okay. So when an officer calls in, let's say I'm on a traffic stop or I'm out

with a pedestrian, would that information be timed into the dispatch or to this CAD system?

A I can't answer that. I don't know.

MS. WHIRLEY: Okay.

A I have been listening to police calls since I was eight years old. Most of the time, the dispatcher, the officer will call in, I'm at a traffic stop blah, blah, blah. She will usually repeat, car 104 is at a traffic stop at 1520 hours, or something like that. And that's usually the time the officer will write down that time and that is what's recorded in the CAD so all the times are together.

MS. WHIRLEY: Okay.

MS. ALIZADEH: , you didn't set up the CAD system in Ferguson, correct?

A I did not.

MS. ALIZADEH: And you don't know how they have it set up?

A That's correct, I do not.

MS. ALIZADEH: So is it possible that the time for their CAD calls might differ from the time that dispatch calls?

A Definitely.

MS. ALIZADEH: If they set them manually

as opposed to getting those times from the satellite, is it possible then that those times could be off?

A Yes, definitely. I know I did not sell them a Net Clock or any type of timing mechanism.

MS. ALIZADEH: What about compare it also to, for example, county communications. Is it possible that Ferguson's CAD calls and their dispatch calls might not be timed, the CAD's might not be the same with the county communication clock?

A Definitely.

MS. ALIZADEH: So a call that we all know for a fact that was made at 3:00 in the afternoon. The dispatch time might be 3:02, the CAD call might say 3:01 and yet the county communication, if it were received there, might say it was 3:00?

A Yes, definitely.

MS. ALIZADEH: Be it is just one call?

A Yes.

I just want to make sure I understood you. The point-to-point channel, this is dispatch, and the portable is not transmitting and they can only hear what's going on?

A Right.

MS. ALIZADEH: When it's on point-to-point.

: When it is on point-to-point?

A Right.

: So if an officer had his portable on that channel while he is in the car, left the car, he thought he was calling in, nobody would hear him --

A That's correct.

-- until he changed the channel?

A Right. What he is going to hear is maybe a bong because that is a receive channel only.

: That would be the same, not that nobody would hear him, but dispatch would hear him if he was on a RIOT channel, he is on the mutual aid channel or any of the other channels, he would have to it put it on one, which is a dispatch channel for his dispatch to hear him?

A No, if he's on point-to-point, I'm sorry, if he's on RIOT channel.

: Uh-huh.

A And dispatch has RIOT channel turned on at the console at Ferguson, and he's close enough, yes,

it is going to transmit and a good chance the dispatcher is going to hear them.

MS. ALIZADEH: Any other questions?

(End of the testimony of .)

It is 3:28 on November 3rd. This is Kathi Alizadeh, Sheila Whirley is present, also all 12 grand jurors are present and , the court reporter. And we just had a discussion off the record that we talked about that a witness that I had scheduled for this afternoon didn't show up, so we are kind of out of material for today.

And so you all agree to go ahead and recess early today. There has been discussion now about additional things that you all want. It is my understanding that we're going to get a Ferguson police vehicle that is not the same vehicle, but the same make, model and year. So we have to set up when we are going to do that.

There's been a request to get the press conferences from Chief then there's been a request to get, I will get you copies of the transcript of Officer Darren Wilson's grand jury testimony.

You should have a transcript of his interview that he did with the county police on the

10th, but I will get the transcript for you for tomorrow, give it to you tomorrow.

And then I'm also going to contact Chief to see if he can appear to answer any questions that you may have that might arise out of your viewing of the press conferences. And is there anything else? Oh, yes, you talked about getting a field training officer. So I will talk to Ferguson about that.

I think we discussed the fact that it's Darren Wilson's field training officer in Ferguson is currently and so probably we would want to find somebody else who could talk about the training that they do for their officers in general.

Would obviously not be that he received, but in general. Is that all we can think of for now?

: Perhaps get somebody in the Normandy Police Department that trained him?

MS. ALIZADEH: That was Jennings.

: Oh, sorry, Jennings.

MS. WHIRLEY: What was that again?

Check with somebody, one of his superiors in Jennings to see if they gave him

some field training instruction before he came over to Ferguson and that way you avoid situation.

MS. ALIZADEH: So we will recess early today and it is my understanding that tomorrow we're going, you are going to get here at 8:00, we start up about 8:30-ish, whenever you are all here. And then we're stopping at 4:00 tomorrow for the election; is that correct.? Amendment 2, I'm just plugging it. Everybody have a good evening.

(End of Grand Jury hearing XVIII.)

State of Missouri
SS.
County of St. Louis

I, , a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to

and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

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COURT MEMO

State of Missouri vs. Darren Wilson

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DEPOSITION OF Grand Jury, Volume XVIII

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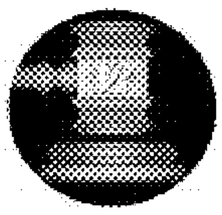
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Case: State of Missouri v. Darren Wilson

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

November 4, 2014

VOLUME XIX

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 4th day of November, 2014, before .

APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

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GRAND JURY HEARING VOLUME XIX

MS. ALIZADEH: Good morning, it is Tuesday, November 4th, at 8:46 a.m. This is Kathi Alizadeh, Sheila Whirley is present, all 12 grand jurors are present, as is , the court reporter. And we had a brief discussion before we went on the record this morning about some matters, about matters that the grand jury had inquired about, and I've answered them to the best of my ability.

And, uh, now we discussed that yesterday we attempted to play a disc for the grand jury which is marked as Grand Jury Exhibit Number 63, and it is a disc that contains the statement of , a witness who has testified last week. And we weren't able to play that for some reason, the disc doesn't play, can't open it.

So I have another disc that we're going to play that is also a disc that I received from the FBI, which is Grand Jury Exhibit 56.

(Deposition Exhibit Number 56 marked for identification.)

MS. ALIZADEH: And hopefully this will play. This is the statement of . It is 29 minutes and 11 seconds long. We do not have a transcript because this was actually the statement

that he made last week. I'm not sure of the date, but it was done after he came from the State of to come up here and testify. It was recently done, we don't have a transcript for that.

So, , if you can transcribe it, but we will go ahead and pause the recording during the playing of the disc. And at this time I'm going to leave the room because we have a witness here who I would like to speak with before he testifies. And so at this time, , if you want to pause that.

(This is the playing of the audio recording interview of . I am also transcribing it.)

: This is special agent We're at the FBI field office 2222 Market Street, St. Louis, Missouri. It is October 27th, 2014, 3:28 p.m. I'm here with USA and DOJ trial attorney and we are interviewing.

: .

Okay. Get some info from you. Is your first name ?

Legally it's , but it was supposed to have been .

: Okay. But you go by .

: Yes, ma'am.
: It is ?
Yes, ma'am.
You go by , okay. What is your current address?
:
Okay. What town?
:
Okay. What's a good phone number for you?
:
Okay. What's your date of birth?
A
: Okay. Do you know your social security number?
: Yes, ma'am.
Okay. And where were you, what was your address on August 9th, 2014.
:
: Okay.
MS. : So you guy by is it okay with you if we call you ?

: Yes, ma'am.

MS. : So we talked a little bit before the recording started, but we basically just want to hear what you know about what happened. So if you tell us what other people told you that's fine, but just let us know those are what other people told you.

We're just looking to find, to figure out, like I said, what happened, we are just looking for you to tell us the truth.

We tell everybody who comes in here that it could be a crime to lie to the FBI, it is a crime to make material false statements to the FBI.

So I'm not assuming you are going to lie, but we want you to know that, okay?

: Yes, ma'am.

MS. All the answers need to be out loud, we are making a recording. If we ever do a transcript or you shake your head, obviously, the recording doesn't pick that up, okay?

: Right.

MS. So if you nod your head you are going to probably hear me say is that a yes or if you shake your head I will say is that a no, okay?

: Yes.

MS. : Okay. If at any point you don't understand a question that we're asking you, let us know because we are not trying to trick you, we are just trying to figure out what happened. So sometimes we ask bad questions that doesn't make sense, just let us know. Because if you answer a question we are going to assume that you understood, it is that fair?

: Yes, ma'am.

MS. : Okay. I just want to generally go through what you remember happening and then when we go back and ask you some questions to clarify to help us understand more what your perspective was.

Okay.

MS. : Okay. So you were living, you just said on Canfield Court back on August 9th?

Yes, ma'am.

MS. : And this is, you know Michael Brown?

Not really.

MS. : I think you said he was a friend of a friend?

Yes, he's a friend of a friend.

MS. : Okay. Which friend is he a

friend of?

: I have a friend name

.

MS. Okay. And did you ever hang out with Michael Brown?

: No, ma'am.

MS. : When did you first meet him?

Probably when we were going to the store. There was three of us. Me, and Mike.

MS. When was that relative to when this all happened?

: It was a couple years ago.

MS. : Years ago?

Yes, ma'am.

MS. All right. So we will go to that in a second. What I want to talk about first is what you remember happening on August 9th.

Okay. Well, I seen Mike and some other young man walking down the street. And I was just sitting down on the porch just looking around and I seen the officer approach. Not sure if he said anything because I'm too for away. I didn't see or hear anything, but then I seen him almost like sort of run him over, run his foot over

or something like that.

And I guess they got into a scuffle, but I went in the house to get my phone because I was going to go record it. But I heard a gunshot, so I raced outside. I went to the other side of the balcony and then I seen Mike Brown holding himself.

MS. : (inaudible) You saw that he had his hand down around his stomach?

: Yes, he had his hand like around his torso area.

MS. : Okay. Which hand, do you remember?

: Um, I really don't remember which hand it was.

MS. : Okay.

: I just know he was holding himself and he turned around towards the officer and the officer kept firing. And I guess he was, I don't know if he stepped forward or if he was falling forward, but as he was falling forward, the officer was still firing.

MS. : Okay. So you're saying and that is in total what you saw.

: Yes, ma'am.

MS. : You said the officer was still

firing, what did the officer do at some point, did the officer stop firing?

A Yes, ma'am afterwards.

MS. After what?

: After he hit the ground.

MS. : Okay. What did the officer do once Michael hit the ground?

I'm not sure. I was looking around making sure that someone else saw what I saw.

MS. Okay. So let's back up a little bit, okay. So you were sitting on your porch and you see Mike Brown and this other kid, where were they walking?

: Down the street like coming from the main street.

MS. : West Florissant?

: Yes, ma'am.

MS. : Where on the street were they walking?

: They're in the middle of the street I believe.

MS. : Okay. What about the police officer, where was he?

Um, he wasn't around until

they got towards like the other, there was another apartment complex across the street from where I was. So he didn't pull up until they got to that part.

MS. Okay. Which direction is the police officer going?

: Um, he was coming towards, coming down.

MS. : The opposite direction?

: He was coming the same way they were coming.

MS. : So the police officer is coming from West Florissant also?

A I believe so.

MS. : Okay. And then what happened?

Then it just went from there. He, I guess, he according to everyone else they said that.

MS. Okay, go on.

: He told them to get out of the street. I'm not sure if that's what happened because I couldn't hear it.

MS. : Let me be clear, if I ask you a question that you don't know the answer to, that's fine, let me know, let us know that, right?

Everyone has a little piece of this, nobody is going to make or break the case in one fell swoop, right? Everyone has to say what they know. If you know something, great. If you don't know, that's fine too, as long as it's the truth, okay?

Yes, ma'am.

MS. Okay. You see Mike and his friend walking down the street and then you see the police officer coming in the same direction as they're going?

Yes, ma'am.

MS. : Okay. So what is the next thing? I know that you heard, tell me what happened, what is the next thing you either see or hear yourself?

I seen them actually at the police car. I think he was inside. I'm not sure if he was inside or if he was outside it, all I know is that I just went in the house to grab my phone.

MS. : Okay. Before you went in the house to grab the phone, was there any sort of interaction with the police officer and Mike and his friend or you didn't even see that?

: I didn't see that part because I wasn't thinking that it wasn't going to

escalate that far.

MS. : All right. So you went inside to get your phone. I think what you told the FBI agents in , you went to get your phone separate and apart from anything that was going on. You just happen to want your phone at that time?

: Yes.

MS. : So when you're sitting on your porch, you see Mike and his friend and you see, when you run in, do you actually see the police officer there or he showed up afterwards?

No, he was there already.

MS. : Okay. And he stopped his car?

No, ma'am.

MS. : When you went to get your phone, the police officer had yet to even stop his car?

: No, ma'am.

MS. : Okay. So you didn't see anything about the interaction between Michael Brown and the police officer?

A No, ma'am. I just seen him at the car I just seen him like he was sort of kind of by the car, but then again, he was not inside of the car at the time when I saw.

MS. Is this before or after you get your cell phone?

This is before I went to get my cell phone.

MS. All right. Let's divide it out. Let's talk about before you went to get your cell phone, you see the boys walking in the street?

: Yes, ma'am.

MS. : You see the police officer driving in the same direction that they are walking?

: Yes, ma'am.

MS. : Okay. What do you remember the police vehicle doing?

: Just pulled up towards them and that's it, that's all I can remember seeing.

MS. : Pulled up toward them how?

Um, I wouldn't say that he pulled up cautiously, but he pulled up as if he noticed that they did something wrong or something.

MS. : Okay. And so what, when the police officer pulled up to them, where was the police officer's vehicle in relation to the boys?

Probably, I mean, they turned around so they was probably in front, they was in front of each other.

MS. : What kind of car was it?
: It was a police cruiser, I don't know.
MS. : Was it a car, a SUV?
: It was a SUV.
MS. Okay. Did the SUV, did it pull up alongside of them, did it stop and go forward, did it stop, where was it relative to them?
: I mean, they turned around when he pulled up.
MS. : Okay.
: were they in relation to the car, does that make it easier?
: I guess in front of it.
In front of it?
MS. : If you don't know, you don't know.
: I'm not sure, my memory is kind of --
MS. : Okay.
: -- hazy, but I remember most of it.
MS. Okay. So you see the SUV stop and you see the boys standing by the vehicle, right?
: Yes, ma'am.

MS. : And then is that when you go and get your phone?

: Yes, ma'am.

MS. : You don't see any sort of interaction between them?

: No, ma'am.

MS. : When you went to go get your phone, while you were getting your phone, did you hear anything?

: Yes, ma'am, I heard a gunshot.

MS. : Okay. So what did you hear?

I went immediately outside.

MS. : Okay. Describe for us what you saw?

When I went outside, they were, the police cruiser was still like by the apartment complex.

MS. : Okay.

But they were up towards the street.

MS. : When you say they, who do you mean?

: Police officer Mike Brown, the friend was nowhere in sight.

MS. : You didn't see the friend after that?

: No, ma'am.

MS. The only time you saw the friend was before you went and got your cell phone?

: Yes.

MS. You come back out and you see Mike Brown and the police officer and you say where were they?

They were up the street like a few feet, not too much, like 10, 15, 20 feet.

MS. : What were they doing, were they standing there, were they running, were they walking?

: Actually, he was standing there.

MS. Who is he?

Mike Brown and the police officer. The officer had his gun drawn at him.

MS. : Okay.

: And that's when Mike Brown turned around holding his wounds.

MS. : Okay. Did you actually see Mike Brown turn around or you assuming he turned around?

: I'm assuming he turned around.
MS. So describe what you actually saw when you walked out there?
When I walked out there, he was already facing towards the officer holding his wound.
MS. Okay. You don't know how far he ran?
No, ma'am.
MS. : And you don't know, you're assuming he turned around, you don't know whether he turned around or what he did that landed him in the position that you saw, which was standing with his arm in front of his torso, correct?
: Correct.
MS. : I think you just used the word holding his wound, did you see a wound?
: No, I didn't see a wound. I'm too far away. I'm just assuming that he had a wound right there, he's holding himself.
MS. Based on his position?
: Yes, ma'am.
MS. And when you saw, so what you, yourself, saw was Michael Brown facing the police

officer and he was holding his front, his torso, right front of his stomach area?

: Yes, ma'am.

MS. Lower stomach?

: Yes, ma'am, lower stomach, I believe.

MS. You couldn't hear what he was saying?

: No, ma'am.

MS. : Did it look like they were saying anything or you too far away to see?

To me it didn't look like they were saying anything.

MS. : Okay. You say you saw the police officer with his gun drawn?

: Yes, ma'am.

MS. : Did you see any shots fired?

: Yes, ma'am. I seen the last probably four.

MS. : Okay.

: As he was going to the ground, I seen every shot that he got hit with going to the ground.

MS. : Okay. Let's back up for a second, this is my fault. So Michael Brown is

standing there with his arm around his torso and the police officer is standing in front of him, so describe what you see?

The officer starts to fire while he's holding himself and he starts to fall forward.

MS. When you say he, you mean Michael Brown?

Yes, ma'am, Michael Brown. He starts to fall forward, Michael Brown starts to fall forward and the police officer, I think, fires two more times as he's falling forward and then after that he stops.

MS. : Okay. When you walk out onto the balcony, was the police officer already shooting?

: No, ma'am.

MS. : All right. So you heard the first shot when you were inside and then you saw the last four or five shots I believe you said?

: Yes, ma'am.

MS. : Okay. So just to be clear, you didn't see, you only saw the police officer pull up when the boys were first walking in the street, correct?

A Yes, ma'am.
MS. : You didn't see the interaction by the vehicle?
No, ma'am.
MS. You went to get your phone, you heard a gunshot, correct?
: Yes, ma'am.
MS. : By the time you came back out, Michael Brown was facing the police officer and Michael Brown had his hand around his torso, correct?
: Yes, ma'am.
MS. : And then you saw a police officer shoot four or five times and Michael Brown go to the ground?
Yes, ma'am.
MS. Is that correct?
: Yes, ma'am.
MS. Did I miss anything?
: No, ma'am.
MS. : Did I put any words in your mouth or I got that right?
: You got that right.
MR. Do you recall about how far the police officer and Michael Brown were when the

last shots were fired?

: Mike Brown, he is in the middle of the street and the officer was towards the curb.

MR. Can you put a distance on it?

: Probably about six, seven, six or seven feet apart.

MR. : Okay.

MS. : So let's go back for a second. You first met Michael Brown when you were going to the store. What's your friend's name again?

MS. What's his last name?

MS. Does still live in the Canfield area?

I'm not sure. I moved so.

MS. : I know you moved in August.

: But he moved before I moved. When I came back in July, to come back to St. Louis in July, he was already gone.

MS. So before July, when was the last time you saw him?

: Before I moved to .

MS. : How long did you live in for?

Since November.

MS. : So prior to that, other than the time going to the store, did you hang out with him ever?

: No, ma'am.

MS. Just that one time?

: Yes, ma'am.

MS. What was he like when you saw him that one time?

He was pretty quiet. We didn't exchange too many words. I was just riding basically.

MS. : You just what?

I was just riding basically.

MS. You were on the way to the store?

: Yes, ma'am.

MS. Did you graduate high school?

: Yes, ma'am.

MS. : Where did you go?

: High School.

: Is that in --

.

: Did you ever go to high school in Missouri?

: Yes, ma'am.

: Where did you go?

I went to High School.

: ?

: Yes, ma'am.

MR. I think earlier when you were taking us through what you saw that day, you said something about Mike Brown took a step towards him, couldn't tell what exactly if he was stumbling or if he was taking a step, can you describe that?

: Well, it looked like as if he was just falling, I mean. But he took his step, his right foot went forward and I just seen him just drop to his knees and fall to the ground.

MR. All right.

MS. : Did you see the friend that showed up out on Canfield after that at all?

No, ma'am, not until probably the next day.

MS. Okay. Did you have any

interaction with the friend?

: No, ma'am. I have no idea who he is.

MS. : Where did you see him when you saw him the next day?

: He was in Canfield.

MS. : Was he just like hanging out, what was he doing?

: He was walking.

MS. : Okay. Did you talk to anyone about this when it happened?

: Just my parents.

MS. How about any of your neighbors?

: No, not that I know of.

MR. : You said initially that people were talking about what went on at the side of the police car. You said that when you saw it you didn't really see anything that happened there and you didn't know if he was inside the car or not, but other people were talking about that, remember that?

Yes, sir.

MR. : Who were those people, were those people up there?

: Just neighbors, everybody in the neighborhood was talking about it.

MR. : When was that?

This was the same day.

MR. : People coming out and talking about it?

: Yes, sir.

MR. : All right. You turned a little bit of video over to the FBI. That video, you took that on your phone; is that right?

: Uh-huh.

MR. : That's after the shooting was over?

: Yes, sir.

MR. : You didn't capture any of the actual shooting on your phone?

No, sir.

MR. : Right at the beginning of that video people, you say people are going crazy. You hear some voices on that, what were you referring to there, what was going on?

: I believe his kin, Michael Brown's kin, his family, they were all by his body on the curb, they was just yelling and screaming, you know.

MS. : Do you know any of his family members?

No, ma'am.

MR. : Based on what you saw, do you have any idea what happened from the time the police first pulled up there until the time the policeman fired those last four or five shots, do you know what went on there at all based on what you saw or heard that day?

: From what I heard is that they had a scuffle inside the car.

MR. : Okay. I'm not talking about what you heard from other people, I'm just talking about what you actually saw?

: I didn't see what happened at all.

MR. : You didn't see what happened until those last four or five shots?

: Yes, sir.

MR. Based on what you saw there at the end, did you have feeling about what had happened there?

: Yes.

MR. And what was that?

I felt that the police

officer did that very unjustly, he overkilled basically. After the first shot, I mean, he didn't really have to shoot the young man in the first place. They have other means of, you know, corralling the suspect, you know, taser, anything else.

He shot him the first time, even if you did have to shoot him, he didn't have to keep going, he didn't have to kill him because he was unarmed.

MR. : From what you saw that day, could you tell why the police officer shot at Mike Brown?

I'm not sure why.

MR. : Okay.

MS. : And you don't know what happened in the car, right?

: No, ma'am.

MS. : And you don't know what happened while you were inside, correct?

: No, ma'am.

MS. : Okay.

MR. : That's one of the reasons I'm asking because on that video you referred to, you said he shot him like six times. And you said for no reason, do you recall that?

: Yes, sir.
MR. : Is it fair to say you didn't see what happened before those last four or five shots; is that right?
Yes, sir.
MR. : So do you know what the reason was the police officer shot him, if any?
No, sir.
MR. : Okay. That's fair enough.
MS. : I think when you originally spoke to the FBI in you heard like two shots when you were inside, did you hear two or one or not sure?
I'm not sure. I heard one for sure, I know that for sure.
MS. And just so you know what I'm looking at, when you are interviewed by the FBI though and what you said, that's all I'm looking at. So it is a summary of what you told them.
MR. : After that one shot that you're sure you heard while you were inside, you didn't hear any other shots after that until the four or five that you actually saw?
I mean, not that I remember.

MR. : Okay.

: But other than that --

MR. : I'm not suggesting that should or shouldn't of, I'm just trying to be sure that basically when you are in the apartment getting your cell phone, you hear at least one shot inside?

: Yes, sir.

MR. : You mentioned two before, as said at the FBI you mentioned two. You remember one for sure, maybe two, and then is it fair you don't recall hearing or seeing any other shots until those last four or five that you actually saw right before Mike Brown went down?

Correct.

MR. : Take a break.

MS. : Give us a minute.

MR. : We'll be back with you in just a minute. You can step outside with your mom if you want. We're just going to go in the other room here. We'll be back in just a minute. Thank you.

(Pause in the interview.)

MR. , come back in and we'll finish up. Just a couple minutes. Thank you, ma'am.

All right. Just to be clear, we took a break, obviously, we left the recorder running here just so we don't have to start it over again, but when we're on the break you went out to the lobby and sat with your mom for a little while?

Yes.

MR. : She's out there waiting for you.

: Yes.

MR. : We weren't out there, right?

: You weren't.

MR. : Okay. We just went to a different room, we didn't talk about this at all during the break, correct?

: Right.

MS. We just want to ask you a couple other things just so we understand better. What made you move back to , you moved the day after?

: Yes. Just didn't want to stay with my father any more.

MS. : Did it have anything to do with this incident, the shooting?

No, ma'am.

MS. Before you said you went and

got your cell phone, you had mentioned on your actual video that you gave to the FBI that you wish you would have recorded it. So you ran and got your cell phone, how come you didn't record what you saw?

: Because it all happened too fast.

MS. : Okay.

: Way too fast. I had to unlock my phone and go all the way to my camera and all that, I didn't have no time to do none of that.

MS. : It was like right when you walked outside it was happening?

: Yes, ma'am.

MS. Okay.

MR. : All right. You talked a little bit about some of the talk that kind of went on that day. And after that, can you just kind of tell us about that, about what people were talking about, or we know, we already talked about what you actually saw that day.

: Right.

MR. : But just what you heard or what people were talking about?

: The people were telling me that apparently the officer pulled him inside of the

car and I guess he was reaching for his gun or something, and the officer shot him in his hand or shot at him or something and then he ran away. That's all I know.

MS. People were saying that right when it happened?

: Yes, ma'am.

MS. : You left the next day, right?

: Yes.

MS. : You really only had that first day on Canfield. What was it like around there, like the people around?

Terrible.

MS. : Could you describe it?

: It was very chaotic, I will tell you that. And the police officers really didn't make anything better than what it was, especially when they brought the dogs out. That was very unnecessary.

MS. : How were the people in the community acting?

: They were all riled up for the incident. They all just doing crazy things, yelling all over the place, some were praying, some were like, I wouldn't say intimidating the officers,

but they were just standing in front of them with their hands up saying don't shoot and things like that.

MR. : At the time that you saw Mike Brown before he went down, he had his arms down around his torso at that time?

: Yes.

MR. : Okay. Um, I don't think I have anything else.

MS. : I don't have any more questions.

: Just real quick, this is very small. ?

.

MS. Okay. That's it. Is there anything else you want to tell us?

: No, ma'am.

MS. : Do you think that we treated you fairly?

: Yes.

MS. Did we put any words in your mouth?

No, ma'am.

MS. : Everything you told us is what you wanted to tell us and the truth?

: Yes, ma'am.

MS. Thank you for coming here.

: No problem.

: The interview is over at 3:57 p.m.

(Playing of the recorded interview is over.)

MS. ALIZADEH: It is 9:16. We just completed listening to Grand Jury Exhibit 56, the statement of .

(Grand Jury Exhibit Number 64 marked for identification.)

MS. ALIZADEH: Just some housekeeping things. I made a copy for each of you of the journal entry that was done by the last witness yesterday and I marked that previously as Grand Jury Exhibit Number 64, and so I will pass that around. For each of you. And also last night you indicated that you would like to get a copy of the transcript of Darren Wilson's testimony, and I made one copy because as you can see, it is like thick and voluminous.

I can make extras if you all want your own and feel like you want your own, I will be happy to make you extras. I didn't know if maybe while you

are talking and deliberating somebody can be looking through this as kind of to read for the rest of them.

And I will tell you that at the end of the transcript there is an index and it will tell you what page and line a certain word appears on. So if you know what you are looking for, you could probably go back and search for it by referring to the index.

For example the word easy, you recall he said something was easy, you know, and you're not sure about that. You might look back and find the word easy and you find that it appears on page 265 and line seven. And that would be the way for you to kind of reference if you are looking for something in particular.

So I will give this to you now. You can look at it during the lunch hour and if you guys decide each one want your own copy, I can make copies. So I will give that to since you are right there.

So we're going to have the first witness for today, he's here. He's a toxicologist. You all ready, you want to take a break. Can we start with him? I anticipate might be about an hour that he's

testifying. Anyone? All right. I will go get him.

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Would you state your name, please?

A

Q And can you tell me what is your occupation?

A I'm a toxicologist, more specifically a forensic toxicologist. Toxicology is the study of harmful effects of drugs and chemicals on living systems. We study these materials in a manner that the data may be admitted into a court of law.

Q And so the toxicology is the study of the harm of toxic effects and the forensic part of it is the legal application and conclusions?

A Yes. We have to cross some T's and dot some I's to make sure everything is fine.

Q Okay. And so can you tell the grand

jurors a little bit about your educational background?

A Well, I have a bachelor's degree in chemistry from Marist College, which is in New York. I have a second master's, I have a master's in pharmacology and toxicology from St. John's University in New York. I have a second master's in medical biology from Long Island University, also in New York. And my doctorate is in toxicology and that's from St. John's and I have been working in the field of toxicology now about 35 years.

Q Where are you employed?

A I work for St. Louis University Med School and I'm the chief toxicologist for St. Louis County.

Q And so do you work with the Medical Examiner as the chief toxicologist for St. Louis County?

A Yes, ma'am.

Q And so are there times when you are asked to do testing or perform test on samples that are received or obtained from deceased persons?

A Yes. We do cases for the city and the county. We do a lot of the driving under the influence cases too. Our caseload goes from New Orleans, to Wisconsin, to California and all over

Illinois. We do a lot of work for a lot of different municipalities.

Q Did I ask you or did you bring with you today your curriculum vitae?

A Yes, ma'am.

(Grand Jury Exhibit Number 65 marked for identification.)

Q (By Ms. Alizadeh) I'm going to hand you what I've marked as Grand Jury Exhibit Number 65. Is that your CV that you brought with you today?

A Yes, ma'am.

Q I made a copy for each of the grand jurors, so I will pass that around.

And you have your doctorate; is that correct?

A Yes, ma'am.

Q And so I will call you Now, just for clarification sake, you are not a physician, correct?

A No, ma'am, I'm not a physician.

Q Okay. And so you didn't go to med school?

A That is correct. My area is toxicology, affects of drugs.

Q All right. And in the course of your employment as the chief toxicologist for St. Louis

County, back in August of 2014, did you receive some samples from a deceased person named Michael Brown?

A Yes, ma'am.

Q And those, what were the samples that you received?

A Oh, blood, urine and I think vitreous, or eye fluid.

Q So samples that were obtained by someone else were preserved and then delivered to your laboratory; is that correct?

A Yes, the samples were taken at autopsy.

Q And is your laboratory in the same building where the medical examiner performs autopsies?

A Yes.

Q So this is not like the sample had to be shipped anywhere?

A No. They take the samples in the back and they walk them over and we sign for them.

Q And did you test some of those samples?

A Yes.

Q And, um, did you prepare a report that summarized your findings?

A Yes.

(Grand Jury Exhibit Number 66

marked for identification.)

Q (By Ms. Alizadeh) I'm going to hand you a copy of Grand Jury Exhibit Number 66. Is that the report that you made or a copy of the report that you did after testing samples that you received from the deceased, Michael Brown?

A Yes, ma'am.

Q All right. And I've made a copy of these as well for the grand jurors. And actually, I'm going to give one to the court reporter so he can have, some of the words are difficult for me to pronounce and spell.

So, , first off, let me ask you, when the human body ingest a chemical or a substance, does the body process that over time?

A Oh, absolutely.

Q Okay. So if someone ingest a chemical or substance and then that person dies, does the body continue to process that chemical after death?

A Well, when you are referring to processing, that is an energy requiring step, like the liver metabolism. When a person expires, the energy stops so there is no more metabolism. However, there are further reactions that go on just because there is certain enzymes, decomposition, PH,

things of that nature that can alter the drug concentration.

Q Okay. So let me ask you from the time that the sample is retrieved from the deceased and then if it is properly preserved or maintained, is that sample going to degrade over time so that whatever chemicals may be found within that sample might change over time?

A There can be some degradation, but as soon as the sample is drawn, it is refrigerated and then we start performing the test on it right away. So anything along those lines is minimal.

Q Do you recall when it was that you obtained these samples or got them out again, your process or testing them?

A Yeah, we received them August 11th of 2014.

Q And so if Michael Brown passed on August 9th and the autopsy was conducted on August 10th, Sunday, and then you received those samples on that Monday?

A That's correct.

Q And when you receive the samples, did it appear to you that they had been properly packaged and that they had been refrigerated properly?

A Yes, ma'am.

Q Okay. So now you mentioned that you had received urine and blood and you said vitreous fluid, what is vitreous fluid?

A Vitreous fluid is the fluid in your eye that keeps it round, okay. It is the fluid in the eyeball.

Q And what is it, why would it be important to have a sample of the fluid in the deceased eyeball?

A Well, see there is several things that can go on with your chest cavity, even motor vehicle accidents, trauma to the chest, you can get contamination of everything in here, okay.

The eyeball, because it is so protected in the skull, if something happens to it, any trauma you don't have it because it ruptures. So other than that, you get a very good sample, relatively clean and pure sample and it represents the brain concentration, okay. So it is very close to whatever is in the brain to give you a handle on that.

Q Now, in this particular case, did you test the vitreous fluid from Michael Brown?

A No, ma'am.

Q And why didn't you do that?

A Well, in our case there was no reason to because of the nature of the drugs that we found, they don't get to the vitreous. It just takes too long and they are not present.

The vitreous is very slow for equilibration. That is the concentration goes up in the blood and then it declines and the vitreous lags on some drugs. On these drugs the vitreous stays very low, the drugs do not penetrate into the vitreous.

Q So you tested blood and urine that you had received from Michael Brown, correct?

A Yes, ma'am.

Q And we'll talk about the actual process of testing those, but did you first do a test on the blood for alcohol?

A Yes.

Q And you don't need to go into that necessarily because the tests of the blood for alcohol, which are ethanol, acetone, isopropanol and methanol were all negative, correct?

A Well, we list those, but we test for others, like toluylenes, Xylene, and so forth.

Q And so you had, is it true then that all

of the tests for alcohol were negative on -- in your test of the blood of Michael Brown?

A Yes.

Q Now, let me ask you this. If there was a subsequent test done on a sample of blood that was done by another professional, and if they had actually had a different finding that perhaps had a level of .023, how would you describe, do you have an explanation as to why that could be positive, another test done later?

A Sure. The reason for that is decomposition. As I said, the longer a sample sits and then transport and everything else that goes along with it, you can get a little bit of alcohol generated. And .02 is nothing, so it would just be decomposition.

Q So that could possibly be explained by the decomposition that occurred in the sample?

A Yes.

Q And, all right. So let's talk about the drug screening for the blood that you ran. And if everybody can refer to your report on Grand Jury Exhibit 66, which I don't think I marked actually on your report, there are a number of drugs that you tested for; is that correct?

A Yes.
Q And every one of those tests was negative except for the test for cannabinoids, correct?
A Correct.
Q And so just to be clear, when you say you have a negative test, is there like a threshold or a level that could be present but not detected?
A Yes.
Q And so when you run tests for various chemicals, if the level that is detected in the sample that falls below a threshold, then that is considered a negative, correct?
A Correct.
Q All right. And so you receive negative reading on amphetamines, antidepressants, barbiturates, and all the other drugs that you tested for except for the cannabinoids, correct?
A Correct.
Q All right. So explain, Dr. , when you tested the blood and you were looking for positive or negative affects, explain the testing procedure or process that you used to get a negative or a positive reading?
A See, we use a scatter approach. And that is we use what's called an immunoassay. An

immunoassay is an allergic reaction in a test tube to a class of compounds such as amphetamines, opiates, phencyclidine and so forth. What happens is we mix the sample with the antibody and if we get a reaction, then we know it is present or it is indicated as present.

That has to go on for further confirmation, which in our case is always gas chromatography mass spectrometry. And what that does is give you molecular structure identification. The molecules introduced into the instrument, and chromatography means separation. So gas chromatography means separation at the gas phase.

So what we'll do is separate out all of these compounds and then introduce them into the mass analyzer. The mass analyzer hits the molecule, sort of like my hand here, with very high energy causing it to explode and that gives you fingerprint identification. That's how we identify each of the drugs. We look to see the ions that are present, the ratios and so forth, other criteria that gives us the identification on that.

That is also quantitive, telling us how much is present. So that's the one part.

The other part is we run a gas

chromatography for the other drugs and this will pick up everything from strychnine to ectasy, and pick all of those up on one screen. And unfortunately, we have even seen strychnine cases. If I didn't like you, that's what I'd use. That's a nasty poison.

Q Good to know.

A If I can, what it does it causes constriction of all the muscles in your body. And your back can actually constrict to a point where you break your own back. Yeah, so it is nasty. But that screen will pick up everything. And again, all of that would have to go on for further confirmation.

Q So your initial testing of the blood sample was the allergic reaction test that gives you an indication that the drug is present?

A That's correct.

Q Now, did you, now, the gas chromatography --

A GCMS.

Q GCMS is shorthand for that. Is that an instrument that is used in the lab?

A Yes.

Q And this is an instrument that is used in

every laboratory in the country, is that fair to say?

A Yes.

Q Very well accepted as what it does and what it can do?

A Absolutely.

Q And the GCMS instrument that is in your laboratory, is it, do you check that on a regular basis to make sure that it is calibrated properly and giving you proper readings?

A Yes. We run it through a whole series. We do what's called an auto-tune, which is a compound is entered into it and we have to see a particular fingerprint analysis. We then run standards, controls to make sure that the test is running properly. So everything is fully controlled.

Q All right. And how often do you do those checks to make sure that the instrument is working properly?

A Every time we run the instrument.

Q How many samples at a time can this instrument run?

A Probably about 50, but out of that 10 percent are control samples, so run a control

periodically.

Q And so out of the 40 that are not control samples, are these all 40 samples from the same subject?

A No.

Q You might have John Doe's blood, you might have Michael Brown's blood, you might have Suzie Q's blood?

A That's correct, there is no identification as to the person when it is going through the instrument. All we have is a number that's associated with a particular person.

Q So how is it that you insure that these samples don't get mixed up?

A Well, it is all done under chain of custody and everything is sequenced and when we load it into the instrument to check it and then the person who takes the data off checks the same sequence to make sure it's correct. And we also run the samples, well, not on marijuana. We only do the blood and urine ones. The other drugs are run differently.

Q Okay. And so let's talk about the positive test that, positive result that you got for the cannabinoids, what is a cannabinoid?

A That's marijuana basically. Cannabinoid is the class of compounds, it's marijuana.

Q All right. So once you received the positive for cannabinoids, did you then run the blood through the GCMS?

A Yes.

Q And when you ran the blood of Michael Brown through the GCMS, did you just check for cannabinoids or do you check for all these other drugs that you indicate was negative?

A No, we specifically look for the cannabinoids. Delta-9, 11-Hydroxy and the carboxy. The reason for that is it is what's called a dwell time. It is how long the instrument gets to look for a particular compound.

Because we are dealing with nanograms, which are basically a billionth of a gram. It is like you have a dollar, that's as close as you are to be being a billionaire, that's what we are looking for.

So the instrument really has to focus in. We can do screens, but that's under a different criteria. For this we would just use, focus the instrument in on the cannabinoids.

Q All right. And so when you ran the blood

sample of Michael Brown through the GCMS, did you get any quantitative information about, you had talked about Delta-9, hydroxy and the carboxy levels, did you get quantitive information about those?

A Yes.

Q Okay. And so let's talk about what is the difference between the Delta-9, hydroxy and carboxy. And for everybody's clarification, the Delta-9, is Delta-9-THC on your report, correct, and the hydroxy is 11-Hydroxy-THC. And then the carboxy, which is what we are calling it, is actually 11-NOR-Delta-9-COOH, correct?

A Yes.

Q And so is that COOH the carboxy?

A Yes.

Q Okay. So it doesn't say carboxy, that is what we are referring to, correct?

A Yes.

Q When we talk about carboxy. So can you explain to the grand jurors, what are these compounds and how are they different?

A Okay. The first compound, the Delta-9, is the reason you smoke marijuana. That produces the desired affects, the euphoria.

When it is in your body your body looks at it as a foreign substance. So it starts to metabolize or alter it chemically. One of the things it forms is the 11-Hydroxy-THC.

This is also a psychoactive compound, but rarely do we find it because it is so short lived in the human body. And then it goes on further to be metabolized into the carboxy. We call it carboxy because the full name for it is 11-NOR-Delta-9-Tetrahydro-Cannabinoid-Carboxylic acid.

Q Which I can't say so we will call it carboxy.

A That's why we call it carboxy.

Q Okay.

A And that's the final metabolite. That's the compound you hear, well, if you smoke a joint, you can test positive for a month, which isn't true, but that's what you hear.

Q So does, so you explained that the Delta-9-THC has a psychoanalytic effect?

A Psychoactive.

Q Psychoactive. So that's what makes people feel differently when they smoke marijuana?

A Yes, euphoria and so forth.

Q And then the Hydroxy-THC, does that have a psychoactive effect on the human body?

A Yes, it does. But as I said, we rarely find it. Only in a very, very acute use with death following.

Q And then on the 11-Hydroxy molecule.

A Yes.

Q Is there a psychoactive effect on the body for that?

A No, you could eat a pound of it, it wouldn't do anything.

Q Okay. So why is it that these, why is it that it is important to test for all three of these compounds when you are testing the cannabinoids?

A Well, for example, suppose you only had the Delta-9 and nothing else, that would raise severe questions about the sample. You want to see the parent drug, the 11-Hydroxy right off, you know it is not going to be there, and you want to see the Carboxy-THC. That tells you the drug was consumed by the individual and it was being metabolized.

So you have a good handle on its use and one verifies the other. Much the same as we do in a tube biologicals like blood and urine. The reason for that is it avoids any question was it

contaminated or mixed up.

If we find it in the blood, we want to find it in the urine because one validates the other.

Q Okay. And so in this testing, going off what you said there, you ran the sample of urine that you had received from Michael Brown that was received from Michael Brown. You ran those same three for those three compounds. Delta-9, hydroxy and the carboxy, correct?

A Yes.

Q So let me ask you because we can see from your report that you, when you ran this through the GCMS you got for the Delta-9-THC, you got 12 nanograms per milliliter. Yet when you ran the urine you got negative for the Delta-9-THC?

A Yes.

Q Isn't that inconsistent, why would that be different?

A No, well, the Delta-9-THC is subject to other things particularly in the urine. It can even bind up to the plastic in the container, the urinary excretion due to dilution. Any one of a number of things can cause the urine to be negative for the Delta-9.

If it was negative for the carboxy, that would be a real concern, but not for the Delta-9.

Q Is the fact that the blood was 12 nanograms per milliliter and the urine was negative, does that tell you anything about the recency the drug may have been ingested? In other words, I assume the urine is the final process of the body, processing the substance, correct?

A The urine serves to get rid of chemicals in your body, okay. That's probably the main group. What you are looking at, the urine really doesn't count as far as the interpreting it. The Delta-9 in the blood tells you because Delta-9 in the blood only hangs around for a short period of time, like maybe two hours. It has a relatively short half life. It is in, produces its affects, the affects last longer in the presence of the Delta-9, but when you have it in there it goes to acute use, that's within a couple of hours.

Q Okay. So, and you also had mentioned that depending upon the sample that in the urine, the urine sample could be diluted? In other words, there could be more water in the urine or other liquids or chemicals?

A Yes, it depends on the location of the urine, how the kidneys were functioning, what's going on in the body and there is a lot of variables there. That's why you can't interpret urine concentration as far as impairment, you just don't know.

Q Okay. So then the next chemical or compound was the hydroxy, which was negative when you tested it in the blood, but it was greater than 25 nanograms per milliliter when you tested it in the urine?

A Yes.

Q Why is that not inconsistent?

A The urine serves to collect and concentrate waste products. The body looks at metabolites, and actually the Delta-9 is waste product it wants to get rid of it.

Q So can you draw any conclusions about the time or the recency of the ingestion of the THC based upon the fact that the hydroxy was negative in the blood and yet greater than 25 nanograms in the urine?

A Well, that alone would put it within ten hours because you find it in the urine, but a short half life, maybe a little less than that. So really

it wouldn't narrow it down very much. The Delta-9 in the blood is the key.

Q And then your, the levels that you detected in the urine for the hydroxy, as well as the Delta-9-Carboxy, those are quantified as greater than so many nanograms, is that a cutoff level that the lab has?

A In our quantitation, we run a series of standards going up the long. Okay. If it exceeds our upper limit, we just report it as greater than because it is an academic number.

Q Okay. So there's no conclusion that you could draw then that if it is greater than 25 nanograms, we can't say that. Well, then it was, could have been 100 nanograms, which would be four times any level?

A You can't say anything based on a urine concentration for THC.

Q Okay. And so then let's talk about then the testing, you mention the carboxy level in the blood that you found. And you also said that you would be concerned if you did not have carboxy if you had a positive for the Delta-9-THC, but no carboxy that would be problematic?

A Yes, that would be inconsistent.

Q So in this case you detected 45 nanograms per milliliter of the carboxy in the blood of Michael Brown, correct?

A Yes.

Q And is that, can you draw any conclusions from that the fact that it was also present in the urine or the fact that it was 12 nanograms that the THC, Delta-9THC was 12 nanograms per milliliter and the carboxy was 45 nanograms per milliliter. Can you draw any conclusions about the time of the ingestion of the THC from that?

A Well, not from the urine, no, but as I said, from the blood THC, yes.

Q Okay.

A That is really a hard marker for a couple of hours. The urine can easily test positive for a couple of days for the Carboxy-THC. And if you are smoking like a rastafarian type stogey, it can go longer.

Q Can you tell anything from your findings about the, about the, I don't know how to phrase this, about how often the person may have ingested THC? In other words, would numbers look different if you were testing a sample from a chronic marijuana user, somebody that smoked daily, maybe

multiple times a day?

A You can't tell the difference between an acute dose and a chronic dose in one snapshot.

Q When you say acute dose, in your lingo acute means?

A Say within a couple of hours versus somebody who smokes every day for a month or two.

Q Okay. So from your findings you can't conclude that Michael Brown was a chronic marijuana user versus perhaps this was just an acute dose. In other words, something that was taken within a couple of hours prior to his death?

A That's correct.

Q Okay. Now, the 12 nanograms per milliliter for the THC, you stated that that is the compound that makes people feel the affects of marijuana?

A Yes.

Q How would you describe, or what do you conclude from that finding that there were 12 nanograms per milliliter in his blood?

A The Delta-9 is psychoactive, that means it has an affect. So when you have a drug that is psychoactive in your blood stream, it is having an affect.

You can argue, well, more effect, less effect, you can argue that yes, but it is definitely having an affect on you. When you start looking at it in terms of the overall, well, marijuana generally, you know, you smoke a joint and you chill out, that's generally what happens. Okay does that have to happen? No, it doesn't. There is a lot of other variables that are associated with it that depends on your basic chemistry, your basic who you are as it were.

So that it can have somewhat different affects. Add to that the question of dose. If you take, take alcohol. You have a glass of wine with dinner, okay, or whatever with dinner, that's one way of doing it.

You are getting the drug, it is psychoactive, it is having an affect on you. Now instead you have a quart with dinner, a quart of scotch. Well, that's going to produce a very different effect. It is a function of the concentration, how much goes in you.

Same thing is true with marijuana. You can get desirable affects one level, but if you get a massive dose, and you have to remember marijuana is not regulated. So you don't know the

purity you are getting. You don't know if you are getting Illinois ditch-weed or Acapulco Gold, for lack of a better example, okay. So it could be very low purity or very high purity.

Again, the same thing can happen. It is like having a glass of wine with dinner versus a bottle of scotch. You can get very different affects depending on how much you use.

Q Is there also a variable that would perhaps effect how it was felt by the person depending on their body mass or their weight? So, in other words, if a smaller, we know this to be true with alcohol, a smaller person can have a glass of alcohol and a larger person maybe twice or three times the size can have the same amount of alcohol and the smaller person's blood alcohol level will be higher, you would expect it, would that be correct?

A Yes. See, marijuana is technically classified as a hallucinogen. Cause what it does is it alters your perception of your surroundings. How you see things, okay. What information comes into your mind. It slows it down and distorts it. That is why it is classified as hallucinogen. .

Technically speaking, I mean, you are not look at pretty birds and flying snakes and so

forth, but you are altering your perception of senses. That's a function of dose. So the more you have in you, the more effect you can get out of it.

Some people, for example, with marijuana, it is bound up to nonspecific fat sites. So if you smoke a joint the first time, you don't really get a good buzz out of it. The reason for that is the drug is binding up to nonspecific fat so it is not hitting your brain, it is not giving you the effect.

After a couple of times these nonspecific sites are filled. So the drug is now free, it gets to your brain and produces, gets to the threshold and starts producing the effect.

The more you have, the greater the effect, and it becomes variable at high end. So if you have, take a mil of highly concentrated Delta-9THC, that will give you a completely different effect in smoking a joint. A lot of the studies they have even done with injections. They can't really, with alcohol it is straight line depressant. That just means the more you drink, the more it depresses you. I don't mean sad, I mean your nervous system. It slows it down, stops it from working, makes you goofy, okay.

With THC you can come up, you hit a certain threshold level that will produce an affect. As you go up from there, if you take a massive dose, you can get significantly different affects. Those affects that are not generally associated with marijuana.

Q So we've discussed a little bit last week, Sheila and I had a long conversation with you as well this morning, I spoke with you, we talked about the affects that you might see or experience, a person might experience if they were ingesting THC. And starting with euphoria being the feeling of happiness or well being, perhaps?

A Yes, you are feeling about.

Q That's kind of like the chill, right?

A Yes.

Q And then the next one perhaps could be lethargy?

A Yeah.

Q And that's when you don't really feel like you have the energy to get up and you're just going to lay around?

A You don't do things. It is amotivation.

Q After that would be a possible paranoia?

A Yes.

Q And then would there be hallucination?

A It is possible to go to a full-blown hallucination, yes.

Q Okay.

A Paranoia and psychotic episodes.

Q So when we talked about, you had mentioned when we talk about hallucinations, it doesn't mean the person sees pink elephants. It means that they're not perceiving reality the way it is, correct?

A That is correct.

Q Okay. And so if you have a massive dose of THC, could you experience the hallucination and/or the psychosis if you had a high enough dose of THC?

A If you got a high enough dose, you could have a psychotic episode into hallucinations, yes.

Q Now, in this particular case when you tested the blood and you got 12 nanograms per milliliter for the Delta-9-THC, do you consider that a high dose?

A Okay --

Q What conclusions did you make from that?

A Well, you have to put things in perspective. This was a very large individual, I

think he was about 300 pounds. So for concentration of 12 nanograms in a large person, that shows it was a large dose.

In a small person, say like 100 pounds to get to 12 nanograms wouldn't take a lot. A single joint could easily do that. But when you talk about a larger body mass, just like drinking alcohol, larger persons can drink more alcohol because they have the receptacle to hold it.

Q Now, let's compare, because I think most of us probably have had the experience of consuming alcohol and over time feeling the affects of alcohol. And, you know, so, for example, one of the things that I think we all can probably relate to is that, for example, if I were to consume a certain amount of alcohol and my mother who doesn't drink might consume the same amount of alcohol, we have the same body mass, she may experience different affects than I might because I have experienced drinking alcohol.

Now, some people call that tolerance, is there any similar effect from people that are used to using marijuana, could they have the same levels in their system but experience different feelings?

A Well, of course different people with the same concentration can experience different feelings. But see, with marijuana, like your example was the correct straight line depressant. With marijuana it's the reverse. So the person who is naive will get much less affects than a person who has been using it and that's due to the non specificity of binding sites.

Q So based upon your finding that there were 12 nanograms of THC, 12 nanograms per milliliter of Delta-9-THC in Michael Brown's blood, first off, can you make any conclusions from your findings within a reasonable degree of toxicology certainty or as to the recency in which he may have ingested the THC?

A Yes, it is within a couple of hours, maybe two, three hours on the outside.

Q Can you make any conclusions or do you have an opinion as to the dose that Michael Brown may have ingested based upon your tests and your test results?

A Given his large body mass, yes. It would have been a very significant dose. It wouldn't be just toking on like a simple joint.

Q Now, based upon your testing and your conclusions, can you make any conclusions about the

level of impairment that Michael Brown may have experienced if, before he passed?

A I can't tell you how he was impaired. It is like predicting what somebody would do. I can't tell you that. I can tell you that the drug is present at a significant concentration that represents a large dose into Mr. Brown.

How he would have behaved and what he would have done I cannot predict. I know the drug was having an affect and was impairing his nervous system.

Q You would consider he was impaired in some way?

A Yes.

Q But you cannot draw any conclusions that he was suffering or that he was experiencing hallucinations or having a psychotic break?

A That is correct.

Q Um, we discussed when we came out to talk to you last week, we also discussed with you, we asked you if you were familiar with the process called waxing?

A Yes.

Q And you indicated that you were familiar with what that is?

A Yes.

Q Can you describe for the grand jurors what you understand waxing to be and what happens?

A Waxing is a process of concentrating the Delta-9 present in marijuana. It uses gases like butane and basically it extracts the Delta-9 out of the marijuana and it is in a highly concentrated form. So you get a lot more bang for the buck out of it.

Q So you can ingest a smaller piece or smaller physical quantity and get a more concentrated level of THC?

A A much greater effect, yes.

Q Okay. And is there any difference if you ingest a much higher concentration of THC, is there a difference in how quickly you would feel those affects or how long it would last?

A Well, it would depend at that point if you were inhaling it, putting it under your tongue, smoking it, however you were doing it. But generally speaking, it is less than ten minutes.

Q And less than ten minutes for you to feel the affects or it would last less than ten minutes?

A No, for you to feel the affects. The affects would come within ten minutes.

Q If you ingested a highly concentrated amount of THC, do you have any opinion as to how long those affects would last that you would experience some type of effect?

A Probably four to five hours.

Q Now, this morning we talked about, and we did also briefly last week talk about levels of THC that would indicate or that legally would indicate someone is presumed impaired.

A Yes.

Q Now, states such as Colorado and California, are you familiar, are you aware that those states have legalized marijuana either medically or in the case of California recreationally or Colorado, correct?

A Yes.

Q And we discussed the fact that those states have made determinations as to the level that they would if they detect in the person's blood that would indicate impairment much in the same way that alcohol level of .08 is presumptively in most states, in the State of Missouri you are presumed impaired.

Are you aware of the level that Colorado and California have set for them to presume

someone is impaired?

A Yes.

Q What is that?

A 5 nanograms per mil.

Q So in this case, Michael Brown's level was over twice that; is that correct?

A Yes.

Q But again, you're not, and the same thing with actually the consumption of alcohol, it impairs people, but their affects might be different depending on some of the factors that we've talked about?

A Yes.

Q Um --

MS. ALIZADEH: I don't have any further questions right now. Sheila, do you have any questions for Dr. ?

MS. WHIRLEY: Regarding the waxing, if Michael Brown ingested through the waxing method that you discussed, would the butane appear in his body?

A No. Butane is so volatile, if I squirted it here on the desk, talked to you and go back, it's gone. So it is extremely volatile.

MS. WHIRLEY: And in this case, was he

actually checked to see if butane was in his brain?

A Yes, that's part of our routine. We would check for volatiles such as butane, other inhalants.

MS. WHIRLEY: Okay. Obviously, it didn't appear it is so volatile or whatever. There is no way to know whether or not he participated in waxing or not, there is no evidence?

A Not based on our testing, that is correct.

MS. WHIRLEY: Okay. I'm not sure of everything Kathi asked. I will open it for the jurors.

MS. ALIZADEH: I just want to real quickly be clear, you cannot say, you're not saying, I'm assuming you're not saying that Michael Brown was hallucinating or suffering a psychotic break, there is no way to know that; is that correct?

A I can't say that based on our testing, that is correct.

MS. ALIZADEH: But based upon the levels that you tested or that you got in your testing, you consider that this dose was within two to three hours and it was a large dose of THC?

A That is correct.

MS. ALIZADEH: Any more questions?

I have a

question about a person's hydration level, how that affects the test. Either prior to or even in this incident the individual on the street in August for four plus hours, do you know how that may effect the result in any way, if it would?

A Okay. What you are looking at there is an alteration between the water and the fat in your body and you are depleting the water, so the fat becomes a hire percentage. Not a lot of difference because we lose too much water, you have electrolyte imbalance, you have a heart attack and die. So there is a difference on that.

On a drug like marijuana where it is highly lepid soluble, fat soluble, it would just have more, it would soak up more of it. That's all it would do. So it really wouldn't alter much of anything.

: Okay. Thank you.

A Yes.

Dr. , with reference to the psychotic affects of certain types of drugs, specifically THC. Can you explain to me, trying to think how to phrase this. For someone who is at a certain level, you mention that if they smoked for a month at a time or two weeks at a time,

they can build up a certain level in their body. Can a massive dose at any particular point produce an entirely different affect than what a person is used to, you know what I'm saying?

A Yes.

: It is kind of hard to explain. If somebody who smokes is used to a certain type of reaction out of a level of THC, all of the sudden you see a spike in the quantity of it, what potentially could happen. Is it something that could be totally different?

A Yes. See, what you are looking at is like a steady state so that using the drug on a regular basis. Then you get a massive dose, it jumps up and you can switch over into complete toxicity. Most of the drugs behave that way that you are stable and then it jumps up.

Some drugs, like a couple of the amphetamines. You can take the same dose today, tomorrow, then you take it the next day and it's lethal. Those are the real dangerous drugs. Marijuana is not like that. So your point is well taken. You are stable and you have a massive dose you are going to get a big difference in the affects and could be completely different.

: Thank you.

MS. WHIRLEY: Could this amount of THC that was found in the blood be, is it possible that someone who is ingesting that amount on a regular basis and not be dead?

A Well, marijuana really isn't lethal.

MS. WHIRLEY: Okay.

A So it couldn't kill him. As far as the affects, it would take a lot of marijuana on a regular basis to stay at this kind of level. So I would say that's less likely.

MS. WHIRLEY: That's less likely.

A Yeah.

MS. WHIRLEY: That you are consuming this amount of marijuana?

A On a daily basis.

MS. WHIRLEY: On a daily basis or regular basis?

A Yes.

Would a cigar size, I guess, you know how they take the cigar and they put the marijuana in it. Will a cigar size give you that kind of dose? I know you mentioned a joint, but now we're talking about a cigar?

A Is that possible? Yes. See again, purity like low end purity is like 3 percent Delta-9, high end is like 20 percent. So that's a huge range, okay. Is it possible that the cigar got stuck with the higher end stuff? Yes, it is.

: You can reach this without waxing, I guess regular marijuana in the cigar?

A I'm not sure, I'm not sure. I think it would be possible, but I'm not positive on that.

. I want to make sure I understand regarding larger person, you talk about the affects of --

MS. ALIZADEH: Can you speak up a little bit, sorry?

: I just wanted to make sure when you are talking about that, you are talking about the difference between the affects of a person who is larger versus the content in the blood. The affects would not be affected by the size of the person, but the content in the blood would be.

A That is correct. It is a dose response. So it's like a smaller person takes less, a larger person takes more, you get the same affects.

MS. WHIRLEY: I guess going back to

question. When you smoke marijuana and he's talking about a blunt, through the cigar wrapper versus the cigarette papers, are you -- you are likely ingesting more of the marijuana when you are smoking it in a blunt versus the cigarette papers because they burn much quicker and smoke, would you agree or not?

A Yeah, if it burns much quicker, yes.

MS. WHIRLEY: Not that we are marijuana smokers, you know, but it appears if you watch it on TV, that the cigarette is burning much faster than when they smoke with a blunt. I think that's why a lot of people do the blunt?

A Yes, because it is the dose and it's the destruction of the drug while you are not inhaling, yes.

That raises a question. How is waxing taken into the body, is it smoked or is it, I mean, is it a waxy, sticky substance?

A Yeah, it could be. It could be put in a blunt and smoked, it could be whatever as long as it gets into your body.

MS. ALIZADEH: Is there a depending, you know, I think we can all understand that marijuana

can be eaten, it can be smoked, apparently it can be injected, the THC at least. Is there a difference in how quickly it would impair you or how quickly it would be in your system depending on how it is ingested.

A Sure, oral is the worst. Anything that goes in your mouth goes to your stomach. It has a bunch of acids in there, it chews it up and then it goes to the liver. Once it is picked up by the blood, it goes into the liver. The liver chews it up as metabolism. So the oral would give you the least bang for the buck and probably take the longest because it has to be absorbed and metabolized and so son.

When you inhale something it goes into your lungs, okay. And the heart blood goes from the right side to the lungs, to the left side and to the body, and goes to what is called the carotid arteries here in the aortic arch. So anything that goes in by inhalation gets up to the brain within like two, maybe three heartbeats. So it gets in and gives you a much quicker effect. Especially than oral.

So just in your experience, we'll talk to others who have

more hands on with this specific, in your experience then would you assume that an autopsy or examination would show in the internal organs would be able to tell if something was smoked or ingested orally?

A No, reasonably, no. Not unless there was something really unusual, like you are inhaling silica gel, or something like that.

MS. ALIZADEH: Or perhaps if the stomach contents contained.

A Leafy green material in the stomach contents.

MS. ALIZADEH: Right. Any other questions?

. You said this THC stuff, if I heard you correctly, it binds with the fat cells; is that right?

A Yeah, it does.

: Is that why you get hungry after you smoke a joint? Seriously, I'm just saying.

A No.

MS. ALIZADEH: I don't know what you are talking about?

: I don't either apparently.

A No, that has nothing to do with it. What

it is, reasonably that is lowering the blood sugar. So you start feeling hungry and get the munchies.

MS. WHIRLEY: You said marijuana lowers the blood sugar?

A That would be my, yes, that's what I believe.

. If it lowers the blood sugar, I had an uncle who is diabetic, when his blood sugar would be very low, he would get, I'm just going to say it he would get volatile, he would get agitated very easily. So would that be a possibility?

A That would be a possibility, yes. If the blood sugar got down low enough, that would take, that would be work.

And would the Delta-9-THC levels have an affect on the blood sugar level?

A No.

: So the higher the Delta-THC would not necessarily constitute a lower blood sugar level?

A Well, it would indicate that, yes, okay, but it hasn't been like so much THC and so much sugar, it hasn't done that.

. According

to the readings of the 45 grams, and in your opinion, how well could Michael Brown function?

A That's really tough to say just looking at the lab test. It is really tough to say. I know the drug was impairing the system, the exact parts of his nervous system that were impaired, how that would be demonstrated I can't predict.

MS. ALIZADEH: Any other questions? So you are saying he could experience some kind of impairment?

A Yes, it would be impairment.

: Or he could be functioning normally?

A No, not normal. The impairment would be present. The degree of the impairment would be based on him personally, his history with marijuana, his underlying chemistry, a whole bunch of other factors. So how it would exactly affect him is, I can't predict. I know it would have an affect because it is psychoactive.

MS. WHIRLEY: So a person could be impaired, because they have this in their system, but they could be sitting here talking and you might not even know they were impaired?

A That's correct.

. I have one more thing I want to ask you. You said earlier the person who is naive to the drug may not feel its affects, but somebody who is more experienced with the drugs would have a greater effect on them?

A Yes.

Okay. Thank you.

A That's just through the non specificity of the drug.

MS. WHIRLEY: Again, when you talk about the greater affect coming up, going from what talked about, that does not necessarily mean that they are going to act impaired to someone who is sitting there talking to them?

A No, I can't predict what they will or will not do.

MS. WHIRLEY: Right, okay.

MS. ALIZADEH: Anyone else?

One more question from me, . I know you say you are not a medical doctor, but was there any reports or any notes stating the fact that when he was younger, while he was in high school or anything that he was taking any hypertension medicine or any mental --

A I'm not aware of anything.

: Okay, thank you.

MS. ALIZADEH: To tell you, I do not believe we have any kind of medical history or anything of that nature on him.

Because my question would be, could some of the drugs be in his system versus when he was smoking it. Could that, you know --

A Well, it is possible some drugs could be present, but below detection, our cutoff limits. There is actually a theory that says you have your first, from your first spoon of baby food, the molecules are still floating around in your body, which is interesting. So there could be other drugs present at very low levels.

MS. ALIZADEH: And just to be clear, THC is only found in marijuana, correct?

A Yes.

MS. ALIZADEH: It is not like we hear about people saying I had a poppyseed bagel and so now I'm going to test positive, THC is only detected if you have ingested marijuana, correct.

A Yes.

MS. ALIZADEH: Or the concentrated level of THC?

A Yes.

: One more question, it is my last. . There is no way with these levels would it be possible for him to have been around somebody smoking?

A Passive, no.

: So these levels do not show passive intake of this drug?

A No, this is active.

Okay.

MS. ALIZADEH: Anyone else? All right this concludes this witness' testimony.

(End of the testimony of Dr. .)

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q Good morning.

A Hello.

Q Introduce yourself to the grand jurors and

spell your name, please.

A My name is . It is ,

Q I'm going to ask that you keep your voice up because there are quite a few fans on, we can't hear really well. I generally stand back here, so speak loud enough to have a conversation, okay?

A Okay.

Q So, , what is your occupation?

A I'm a forensic scientist for St. Louis County Police department.

Q What does that mean, forensic scientist?

A Uh, I analyze evidence collected from crime scenes for bodily fluid. I write reports and when needed, testify in court.

Q How long have you been doing that, been in that capacity as forensic scientist?

A Almost nine years.

Q Nine years. Always with St. Louis County?

A Yes.

Q And what type of education is required to do what you do?

A Um, well, what is required is a bachelor's degree in biology or a science of that nature. I have a bachelor's degree in microbiology and a

master's of business administration from Miami University of Ohio.

Q We have your CV and we are going to pass that out. It is marked as Grand Jury Exhibit Number 67.

(Grand Jury Exhibit Number 67 marked for identification.)

Q (By Ms. Whirley) It kind of outlines your training and education as you provided it for me, correct?

A Yes.

Q Okay. Now, what is, you told us what a forensic scientist is or kind of the job description, what do you do on a day-to-day basis? That's what we want to know.

A Well, I test evidence that comes in for various cases for, when I say bodily fluids, it is blood, semen and saliva. I also retain samples for possible DNA from trace cases, and then write reports.

Q Okay. And so you do the initial screening of items before it goes to DNA for analysis, or to the DNA unit for analysis?

A Yes. In our lab we have two separate sections. So I would, I'm in the biology section, I

would do the screening and then if there is anything that needed to be forwarded or retained for DNA, that would be packaged and retained and that would go to the DNA unit and they would do their analysis.

Q Do you know who did the DNA analysis in this case?

A Yes.

Q Who was that?

A .

Q Okay. Did you work alone doing the biology on this case or did someone else work with you?

A I worked alone, I did the case. We did have a, we are training a new biologist, so she was actually with me for part of it.

Q Okay. So I don't know if you actually told us what type of analysis you performed. You said you check body fluids and that kind of thing. What kind of items could have possible DNA on them?

A In general?

Q Yeah, in general.

A Well, body fluids tend to have high amounts of DNA, so blood from a lot of DNA, as well as semen and then saliva. And then as far as trace, I'm sure you've heard, I don't know if you know

about trace DNA.

Q Tell us what that means.

A Okay. Trace evidence is what is left behind when a material or a person made contact, so that can be footprints, fingerprints, soil samples, hair, fibers, or DNA. In our lab, what we refer to as a trace case, is something that the biologist doesn't actually examine, I don't actually test it, but I would save samples to be tested for DNA.

Some examples of this are, um, like a swab taken from the steering wheel of a recovered stolen vehicle where it isn't blood, you are trying to find out who stole the car, who was driving the car.

It could be a shirt left behind from a robbery, so you would swab that for DNA, or a knife from a domestic assault. You wanted to know who was actually holding the knife, so you would swab it for user DNA.

So those are the kind of things that we consider trace. Where it is not actually a body fluid that we are testing for, but we think that there might be DNA left behind. And usually what this is is from allele cells or skin cells.

Q Now, at the crime scene the officer or

someone actually collects what they think might be useful for the lab in determining whether there is DNA present, correct?

A Yes.

Q Someone is swabbing and someone is doing that at the crime scene and then they submit it to you. Is there a certain way that that must be presented to you in order for it to be useful, for you to determine whether or not it has DNA or potentially --

A Well, I mean, we don't know because you can't see anything. So a lot of times the crime scene will swab things themselves and submit the actual swabs, or they will submit actual items like knives or shirts that I would then swab.

Q Okay.

A Areas that I think would be useful areas to swab.

Q Does the crime scene or the case officer tell you a little bit about the case for you to figure out what might be useful?

A Yes. You do get a brief scenario of what happened. Like that gives you information about what is relevant or probative. For example, for a shirt, typically I would swab areas that would most

likely touch the skin. So like cuffs or the neckline, things like that.

Q Can you tell us how you began a case, I mean, it comes to the lab, I guess, and then how do you get ahold of it?

A When evidence is submitted to the lab, it is submitted to the front counter where evidence technicians take it in, make sure that it is properly packaged and sealed. We do not except improperly packaged evidence.

So you would get evidence, either in a box or a package, it would also have a receipt with it. And the evidence receipt just details all of the pertinent information as when the incident happened, the location, what kind of offense it is, um, who the victim is, who the suspect is, and then what actually is inside of the packages or boxes.

So this evidence is then entered into our lab system, the actual evidence would be stored in our vaults, a secure location, until it is actually worked and the receipts would, they're stored back in biology and then we work them. It depends, but usually first end, first out. We do the crimes against persons cases first, they are more of a priority.

Q And you go to the vault and get the evidence when it is your case?
A Yes.
Q And you verify the things you just told us what is marked as on the evidence receipt is actually what is contained in the box or the bag?
A Yes.
Q And that it is sealed, you verify it hasn't been tampered with?
A Well, it comes, when it comes into the lab, we don't accept improperly packaged evidence.
Q And that's your way of verifying that it is not tampered with?
A Right.

(Grand Jury Exhibit Number 68 marked for identification.)

Q (By Ms. Whirley) I was going to ask you, let me move on to something else. What's marked as State's Exhibit Number 68, which is one of your crime lab reports, I think it is the first one.

MS. ALIZADEH: Is Q22 the first one?

MS. WHIRLEY: Actually, it is not the first one, it's the second one. This is the one with the baseball cap, Q22. Do you have that one?

MS. ALIZADEH: You want me to pass this

along?

MS. WHIRLEY: Why don't we pass both of them, if you don't mind, both Grand Jury Exhibit 68, which starts with specimen Q22. And then 69 is actually the first one I think you probably worked that starts with specimen Q1. You have both of those in front of you?

A I do.

Q (By Ms. Whirley) We are going to talk a little bit more specifically about the Michael Brown case or the Michael Brown shooting. You took some photographs also, is that right, associated with this case?

A I did.

Q We will look at those. And tell me why did you take photographs?

A I can't, when I write my report, I can describe the items with words, but a picture is always better.

Q Okay. All right. And you take those pictures for yourself as you are writing your report, is that what you told us?

A What was that?

Q You take those pictures for your purposes to complete your report?

A No, we are not required to take pictures. In specific cases we do take pictures. In this case, I decided to take pictures of certain items.

Q Okay. Now, in this specific case, we see a Q and then numbers. Can you tell us what that represents?

A A Q is, it just means a questioned item, so it is something that I am actually testing. Whereas later in the report you might see a K, and the K stands for a known, which is just a known reference standard taken from a person to be used for elimination or comparison purposes in DNA. And it is a known reference standard which means it came from that person in the forms of blood or saliva.

Q So you know whose blood or saliva you have?

A Yes.

Q And you had a known reference sample from Michael Brown; is that correct?

A Yes.

Q Is that in the form of blood?

A His blood.

Q Okay. Did you have a known sample of the officer, Darren Wilson?

A Yes.

Q Was that in the form of saliva?
A Yes, it was a buccal swab.
Q It is what you referred to as a buccal swab?
A A buccal swab is a swab that is used to rub against the side of the mouth, against the cheek. So it takes, actually, where the DNA is coming from the cheek cells, but in the form of saliva.
Q So that was your way of having a DNA sample from both the officer and Michael Brown; is that correct?
A Yes.
Q Now, you can see we all have a copy of your report dated, it was entered, it says 8/11/2014, approved on 8/19/2014. What does administrative approval mean?
A That is the signature of a person who tech-reviewed my report. What a tech review is, it is just kind of a double-check done by a peer in the same discipline to insure accuracy between the analyst notes and the report.
Q Now Q1 through Q21 are items that you, I guess, that are questionable, is that what you said?
A Yes.

Q Are these items that you took photographs of also?

A I did not take photos of every single item.

Q Okay. All right. Let's start to go through these. This tells us the items that you checked based on the information that you were told and the items that were brought to you; is that correct?

A Yes.

Q All right. So you did, just go ahead and tell us what you did.

A Well, you are looking at the first report. I started with Michael Brown's clothing. So do you want me to go through Q1 or say everything I did?

Q Tell us what you did. You can go through by Q1, whatever works for you, as long as you tell us, you know, what you did.

A Sure. Q1 was Michael Brown's T-shirt, I just, we first do a visual examination so I would describe it, what it looked like.

It had red brown stains, there were several holes in his shirt. I tested for blood. And then I also did a swabbing of the non blood stained areas for possible trace, since it was

alleged that there was contact between Officer Wilson and Michael Brown.

It was hard to do this because the shirt was extremely bloody. So I just swabbed the areas that were not blood stained.

Q You, of course, always wear gloves when you are handling any items; is that correct?

A Yes, we wear personal protective equipment, which includes a lab coat, a mask, gloves, we use sterile equipment, we open one package of evidence at a time, we clean our work area.

Q And these are things you do to prevent contamination or cross-contamination; is that correct?

A Yes.

Q Just to kind of, I guess, make it go a little faster since everyone has a copy of the report, all of these items you actually, did you test all of these items?

A I have to go through --

Q Yeah, go ahead and look at it.

A All of the clothing I tested, I tested for blood. As well as there was swabs taken from Michael Brown's hands, those were all tested for

blood as well. And then there were fingernail scrapings that were submitted, and I tested those and also swabbed those again for trace in case there was contact, such as scratching, things like that.

MS. ALIZADEH: Can I ask you what did you swab for trace, the fingernail scrapings?

A Yes.

MS. ALIZADEH: So these fingernail scrapings were done by someone else, correct, like at the morgue?

A Yeah. They labeled it fingernail scrapings, clippings, but they actually, I looked back, they were actually clippings.

MS. ALIZADEH: Nail clippings.

A They take nail clippings.

MS. ALIZADEH: Okay.

MS. WHIRLEY: That was forwarded to the lab, the nail clippings?

A Yes. So what we do we swab the underside that you can tell for possible trace in case, again, there was contact.

MS. ALIZADEH: All right. I didn't know if you were swabbing a swab when you talked about it.

A No, I swab them.

Q (By Ms. Whirley) It looks like you swabbed, there was a swab collected and forwarded to you that represented the Brown's, the left back of his hands; is that correct?

A Yes.

Q And also the right palm, the right palm of hand?

A Yes.

Q And right back of hand?

A Yes. Those were all tested for blood.

Q And then there was a piece of, you have Q11, apparent skin or hardened nasal mucus?

A Yes, when I, when I received it, all the information really said was something from the exterior of the door. And looking at it, I did ultimately know right away what it was. So I called it apparent skin, or harden nasal mucus, because I wasn't sure. It was very small. I took a picture of it.

Q Okay. We'll look at those pictures. And you were told, or it was on the evidence receipt, where these items came from?

A Yes.

Q Like from the front exterior door of the Ferguson Police Department Vehicle 108 for that one?

A Yes.

Q Then there's also a swab of the rear passenger exterior door of that same vehicle, which is Q12?

A Yes.

Q All right. And then blood stains from the area on Canfield. And then Q15, actually, the other items that I talk about when I mention swabs taken from Brown's hands, it says suspect Brown, and now on Q15 it says victim's uniform pants, and that is the officer; is that correct?

A Yes.

Q The officer's uniform pants when you label as suspect and victim, what does that mean for you?

A When we receive the evidence receipts that come with the evidence, they are, each case is assigned a victim or a suspect. I don't declare this, it was what was already like that when it came to the lab.

Q From the police?

A Right.

Q So it is not that you are determining who the victim is or who is the suspect is in this case?

A No.

Q So you have the officer's uniform pants

and you swab the left thigh, why did you do that?

A Well, those swabs were actually taken by crime scene.

Q I'm sorry, that's true, you didn't swab, they swabbed it. And did you have any information about why that was swabbed or you just tested it?

A Well, all I knew was that there was possible blood on the officer's pants. So they did swab that to find out whose blood that was.

Q Okay. And then there was swabs from the interior left front door of vehicle number 108, which is Q18?

A Yes.

Q Okay. And then you also received swabs of the officer's weapon; is that correct?

A Yes.

Q Now, in Q19, which is the weapon, it says blood was presumptively detected. Quantity was not sufficient for confirmatory testing. What does that mean?

A Well, I was able to do a presumptive test for blood, which is just the first step in our process of testing blood. Presumptive test, it is a sensitive test, but it is not specific. So it indicates that the substance you are testing for is

possibly there. In this case, blood, so that was positive.

To do a confirmatory test, you need to actually take more of that sample. Since there wasn't that much to begin with, I didn't want to use any more of a sample since there wasn't that much, it would have to go to DNA.

So rather than, I guess, use up any more of a sample, I just indicated that confirmatory testing was impossible, but blood was presumptively detected.

Q So in this case the DNA section could test further?

A Yes.

Q Okay. And you do say that the swabs were retained. You also tested Q20, is Wilson's blue uniform shirt, a swab was submitted?

A No, I actually swabbed.

Q You swabbed it, okay. So you swabbed the left side of his shirt and collar area. So you just, the whole shirt was submitted and you determined what to swab?

A Yes.

Q Okay. And the uniform pants, is that the same thing in Q21 with the swabbing?

A I did do the swabbing. And since there was, there was a blood stain on the pants. So when I was swabbing for trace, I avoided that stain.

Q Okay. And now if we look at the other report, which is Grand Jury Exhibit 68, Q22 through Q26. Now, this report looks like it is done on a different day, or is entered on a different day, and it is also, I imagine, tested on a different day; is that correct?

A Yes.

Q Do you know why it wasn't all given to you at the same time?

A Right. And typically this happens when you are working a case right away, right after it happens. Sometimes all the evidence doesn't come in at the same time. So in this case, I worked all that I had on the first date and then we received more to be tested. So I did that work on a later date, like a week later. I work part-time.

Q Okay.

A So everything would have been done on a Tuesday or a Thursday.

Q That makes me think of something else. This case was done pretty quickly, correct?

A Yes.

Q And by that, I mean, you had mentioned that kind of first-come first-serve, or something to that effect, generally as you work cases. Was this case given a priority?

A It was.

Q Because of the significance?

A The significance and the sensitivity of the nature of the case.

Q Okay. So there was a baseball cap, Q22, that a swabbing, it says, so you swabbed the baseball cap?

A I did.

Q And then the flip flop, a separate swabbing was retained for trace. Did you do something with the flip flop in Q23?

A Yes, there were some reddish brown stains, so I tested those for blood, but then I also tested for trace, or as I mentioned before, kind of a wear profile to identify whose they were.

Q And then it looks like you did in Q24, that was another flip flop, and in Q25 is the bracelet?

A Yes.

Q And did you swab the bracelet?

A Yes, I swabbed the bracelet for a wear

profile.

Q And Q26 was another bracelet, correct?

A Yes.

Q Okay. I want you to look at these photographs. And this is Grand Jury Exhibit Number 70.

(Deposition Exhibit Number 70 marked for identification.)

Q (By Ms. Whirley) I think you looked at those already, but I want you to confirm that you are familiar with those photographs and tell us how?

A Yes. Do you want me to hold them up?

Q We are going to put them on --

MS. ALIZADEH: I will assist in that.

MS. WHIRLEY: Okay, thank you.

A Yes, I can identify them. You will see when it gets up there, but on pictures that I take, I write the complaint number, which is just the number assigned by the county for which case it is, and the Q number and my initials and DSN, which is my department serial number, and then the date.

Q And so this is on the back, there's a number of the photograph, what number is that one?

A 26.

Q 26. I believe these photographs are

Numbers 26 through 44. We will make sure as Kathi is assisting.

MS. ALIZADEH: Oh, I need my glasses for that.

MS. WHIRLEY: I'll call out the number.

MS. ALIZADEH: That's okay. This is Number 26.

MS. WHIRLEY: Grand Jury Exhibit, which is all going in this evidence is Number 70. And I am just identifying the photograph by a number.

MS. ALIZADEH: We've done that in the past.

MS. WHIRLEY: Right, okay. So that first one, Kathi had put it on, and you have kind of already told us about this one. But again, what are we looking at now that everybody can see it.

A That is what, again, because I didn't know exactly what it was at the time, but that was what I called apparent skin, or hardened nasal mucus, from outside of the car on the door.

Q Okay.

A You can see it's small, the measurement is in centimeters.

Q I see. And those numbers at the top, that 99 represents what?

A 99 represents County.

Q Their municipal code?

A Their municipal codes to, like Ballwin is like 02. So anything that is not in a municipality is considered County, which is 99. 14 is the year, and the 43984 is just the actual number that was assigned.

Q Okay. And then that Q11 would correspond with the report that we have that has Q11; is that correct?

A Yes.

Q We look on our report dated, entered on 8/11/2014. Q11 says one small piece of apparent skin or hardened nasal mucus, which you talked about already.

And those are your initials?

A Yes.

Q And that's your DSN?

A Yes.

Q And then the date that you worked it?

A Yes.

Q Okay, all right, thanks.

MS. ALIZADEH: Just to clarify, you said this measure is centimeters?

A Yes.

MS. ALIZADEH: How do you know that? Did you notate that or do you just know by looking at it or do you remember it?

A Those are our rulers that we use, they're disposable rulers that are measured, they're centimeters.

MS. ALIZADEH: Okay. The way it is laying it appears to be about 1 centimeter in length?

A Yes.

MS. ALIZADEH: Okay. We're done with that one.

MS. WHIRLEY: Yeah.

MS. ALIZADEH: Moving on.

Q (By Ms. Whirley) And then this is Number 27 and tell us what we are looking at on that one.

A That is Officer Wilson's shirt.

Q Now, I want you to speak up a little bit if you can.

A Sorry. Officer's Wilson uniform shirt.

Q Okay. And that Q20 would correspond with Q20 on our report, right, that we looked at?

A Yes.

Q Okay. And as you are talking, would you let us know which items, I'm not going to assume that they all were, which items were forwarded to

DNA for further analysis? We know that first one, Number 26 photo was, correct?

A Yes.

Q Number 27, was it forwarded to DNA for analysis?

A The shirt, yes. This is -- I swabbed the left side of the shirt, the collar, the shirt area, for trace. Again, the alleged contacted between Michael Brown and Officer Wilson. So I would have just taken a sterile swab, got it wet, swabbed the area, and did that for DNA.

Q That's the actual shirt?

A That is the shirt. This picture is a little better.

Q Okay. And this is Number 28.

MS. ALIZADEH: Can I ask a question? In the old days you used to take cuttings from fabric items, correct? When I say the old days, might have been before your time.

A We did. You can do either.

MS. ALIZADEH: In this case you didn't take cuttings?

A Right. You can get, you could cover a larger area surface area. If I'm actually taking a swab to get the most possible DNA with trace cases

with trace evidence, there is not going to be as much DNA left behind as if someone is bleeding.

MS. ALIZADEH: Okay.

A So to try to maximize that rather than take a cutting of a small area. Plus, you don't know where, you know, where there was contact.

MS. ALIZADEH: Correct. And in this case, when you visually examine this shirt, did you see anything that looked like apparent blood?

A No.

MS. ALIZADEH: And had you seen something that looked like apparent blood, would you have actually swabbed that spot?

A Yes.

MS. ALIZADEH: But in this case, because you didn't see anything, you just kind of doing a broad brush on the shirt?

A Yes.

MS. ALIZADEH: And that's cause you have had information from a case officer that perhaps Michael Brown touched the shirt of the officer on the left side?

A Yes.

MS. ALIZADEH: Okay. And so when you said this was forwarded to the DNA section, you forwarded

the swabs, correct?

A Yes.

MS. ALIZADEH: The shirts repackaged?

A The shirt was, yes, kept in. Would have been finished, completed and sent to property control, which is our evidence goes.

MS. WHIRLEY: Would that be true for all clothing items, is that you just submit the swabs to DNA?

A Yes.

Q (By Ms. Whirley) And repackage?

A The actual clothing items, they weren't sent to DNA. It would be either cuttings that I took or swabbings that I took, that would go to DNA.

MS. ALIZADEH: And to be clear on this shirt, you swabbed two areas, the collar area; is that correct?

A Yes.

MS. ALIZADEH: When you say the collar area because this collar goes all away the around the shirt, was it what area?

A I just swabbed anything on the left front side. Nothing around the back. So I think in the other picture is better.

MS. ALIZADEH: This is 28, Sheila already

identified that as 28. So you can see the shirt, there's a laser pen right in front of you, laser pointer. Can you show the jurors when you talk about swabbing the collar, where did you swab?

A So, I would have swabbed or I did swab this area right here, just the front. And then the left side of the shirt, all right here.

MS. ALIZADEH: Including the sleeve?

A Including the sleeve, yes.

MS. ALIZADEH: So when you swabbed that left side, the whole left side of the shirt pretty much, did you just use one swab or did you take several swabs of that area?

A I think I took two. Usually something in that area, that big I would have taken two, two swabs.

MS. ALIZADEH: Okay. Both of those were forwarded to DNA?

A Yes.

MS. ALIZADEH: And then for the collar, did you do one or two, do you recall?

A It was two swabs for the entire area. They weren't separated.

MS. ALIZADEH: So you didn't swab the collar and the left side separately?

A No. So I basically, pretend my laser pointer is two swabs. So I swabbed here, swabbed here, swabbed here, swabbed here. (indicating)

MS. ALIZADEH: Okay.

A Altogether.

MS. ALIZADEH: So, for example, if swab has DNA on it that identifies somebody, you are not going to be able to say whether it was on the collar or elsewhere on the shirt?

A No.

MS. ALIZADEH: Okay. That's what I wanted to know.

Q (By Ms. Whirley) What is your next photo?

A That is Officer Wilson's pants.

Q This is Number 29.

A Uh-huh. And again, I did a close-up picture to get my information on them and then there's one taken from farther away, which is probably a little more helpful to see the item in its entirety.

Q What did you do with this piece of, this item?

MS. ALIZADEH: I'm showing Photo 30.

A So the left, I swabbed the left, again, the left side. So just swab the areas.

MS. WHIRLEY: Can you see it okay?

A Yeah, I can see it. I swabbed, again, take two swabs, swabbed this area. There was an area, I think it was in this location. This picture isn't perfect to see the blood stain, but I did not swab that area because swabbing that area you would get blood of whoever at the time. I didn't know whose it was. So for trace, since I'm trying to find if there was contact, so swabbed any of the non blood stained areas.

Q (By Ms. Whirley) So there was blood stain on the pants?

A Yes.

MS. ALIZADEH: And you tested that for blood?

A I tested that in the swabs that were submitted.

MS. ALIZADEH: Okay. So the blood stain was swabbed by the crime scene?

A Yes.

MS. ALIZADEH: All right.

Q (By Ms. Whirley) This is marked as photo number, these should be sequential, this one is 31. What is that?

A That is Michael Brown's T-shirt.

Q Okay.
A And that is the back side.
Q That's the back of the shirt?
A The back of the shirt.
Q Now, you mention swabbing non stained areas?
A For possible trace.
Q For possible trace. Why would you not swab the blood stain areas for trace?
A Well, blood is -- contains a lot of DNA. And then also it was Michael Brown's shirt, which would have DNA from him wearing it too. So for me to try to swab bloody areas, it is just unlikely to actually get a trace profile from that because the blood would overwhelm everything.
MS. WHIRLEY: Did you have a question?
. I know you may not have known this, but I don't know at the time if Michael Brown was supposedly been in the vehicle, you testing for prints on the shirt when he did that, testing of that?
MS. ALIZADEH: Fingerprints you mean?
: Well, like maybe holding --
MS. WHIRLEY: Trace DNA?

: Yeah.
MS. WHIRLEY: You did swab the non blood areas for that purpose?
A Yes, uh-huh. In case, if there was, again, if Officer Wilson grabbed his shirt.
Okay.
A It was hard in this instant. The shirt was blood soaked. So I did, again, do the same thing for trace DNA. I took two swabs and just swabbed the non stained areas.
Q (By Ms. Whirley) This is the back of the shirt in Exhibit 31, I think we said?
A That is the back.
MS. ALIZADEH: There will be a DNA person testifying about the DNA at some point.
MS. WHIRLEY: So that will be Photo Number 32.
MS. ALIZADEH: Yes.
Q (By Ms. Whirley) Were you told or did you have any idea where the officer allegedly grabbed Michael Brown?
A No.
Q You just swabbed all non blood, well, not all, but I mean, what did you swab, show us what you swabbed. This is the front of the shirt, is this

32?

A Yes.

Q This is the front of the shirt?

A It is the front of the shirt.

Q Most of the blood appears to go on the right side of the shirt?

A Yes.

Q Okay.

A So I just swabbed, you know, areas that were not blood stained, you know.

Q Okay.

A Whether or not there was contact at these places, I don't know. It was just --

Q Okay.

MS. ALIZADEH: You are just looking for an unbloody place?

A Yes.

MS. ALIZADEH: When you said, you moved the laser pointer a lot in the area of that shirt, were you using, when you swab, are you holding two swabs at the same time?

A Yes.

MS. ALIZADEH: Do you just do one swabbing of that whole area or did you do different areas?

A Different areas. So again, they were

riddled with blood stains. I just had to do different areas.

MS. ALIZADEH: How many swabs total did you do?

A I think two.

MS. ALIZADEH: That was my question, the same two swabs are covering the entire places you're swabbing?

A Yes.

MS. ALIZADEH: You are not going underarm here and the tail of shirt from another spot?

A No. And again, for a trace, we are trying to collect as much DNA as possible. So by keeping it to two swabs, rather than separating it. If there was something to collect, would be more likely to collect it with less swabs than large quantity.

Q (By Ms. Whirley) Okay. And this one, which is Number 33, what did that represent?

A That's actually the first picture that I took, just to zone in on the Q and my initials and complaint number.

Q That says Q7?

A Yes. I usually take a picture close-up so that you can get the information, the date, my initials, my DSN, and then take my picture from

farther away so you can see the whole item.

MS. ALIZADEH: Can I just go back really quickly.

The apparent skin, or hardened nasal mucus that you looked at, did you swab that and forward the swabs to the DNA section, or did you forward the whole piece you said of whatever it was.

A The whole piece did go, but I took a cutting of it. What we do with either the swabs in this case, that little piece, I would have sampled a section and put it in a tube and that's what DNA would actually test. And the remainder of that section I took approximately 4 millimeters by 3 millimeters, and that's what actually the DNA unit would actually test.

The rest of that, the remainder also went to DNA in case they need to do further testing.

Same thing would happen with the swab. Like those two swabs that I took for trace, I sampled half of each swab, put that in a tube and that's what DNA you would be testing. And then the remainder of those swabs would be put in a container and they would be transported together. Does that make sense?

MS. ALIZADEH: Yes, I think so. So the

apparent skin or hardened nasal mucus, did you do any testing on that yourself other than to take a swab, take the piece out of it?

A I tested it for blood, and then I did a test to confirm blood and determine probable species. What that means, this test is called Hemastix. What it does is that if it's positive, it confirms that it is blood and it is also presumptive for human species. And the reason why we can't say, oh, it is human blood for sure is that there are some other primates and ferrets blood that will --

MS. ALIZADEH: Ferrets?

A Ferrets, yeah. I don't know why. That have reported given positive results. So in that case, the way we report it on my report is that for Q11, that examination discloses presence of blood as probably human organ.

Q (By Ms. Whirley) Okay. For this item as Q7; is that correct?

A It's Q1.

Q Q1. That's what threw me off because I'm looking at the report, still looks like a seven to me, I don't know if anybody else thought that or that's just me. But that's actually Q1?

A Yeah, I think what maybe you are seeing is

the bracket that I put after that.

Q I'm glad you clarified that. So Q1 is the, because it was not corresponding with the report, that's why I was a little confused, but now it does. It is the gray T-shirt. Okay, all right. This should be 34.

And these are?

A These are Michael Brown's shorts.

Q Okay.

A It's the front, no, the back.

Q That's the back of the shorts. Just zooming in and focusing, but these are the back of the shorts. Do you know what kind of stain that is on the back, did you test that?

A I tested overall for blood. I confirmed blood. I don't confirm each stain.

Q Do you know which stain you confirmed?

A Um, the one that I tested was on the lower left leg.

Q Show us with the laser pointer.

A Um, it would be on the front in the next photo.

Q So you didn't confirm any blood on the back?

A No.

Q Okay.

MS. WHIRLEY: Was there a question?

. That is what, the back of the shorts?

A The back of the shorts.

MS. WHIRLEY: This is 35, this should be 35.

Q (By Ms. Whirley) So tell us about that.

A That is the front of the shorts, and if you look in this area that I've marked off, this is the area that I actually tested for blood. Again, we don't test every single stain. And then this little plus-plus is just my personal markings for, I did a presumptive testing and confirmatory test.

Q You just arbitrarily decide where on the pants you are going to test?

A Yes.

Q Based on amount there?

A Just usually an area that has a good amount.

Q Okay.

MS. ALIZADEH: If you had information that there was another person who was bleeding at that crime scene, and that maybe there was contact between the wearer of these pants and another

bleeder, would you have maybe tested more areas of the pants.

A They could have been tested in that situation. That is where actual cuttings would have been taken from different areas to be tested for DNA. The only things that was tested for DNA, and this was for trace, again, on the nonstained areas.

Q (By Ms. Whirley) You checked nonstained areas on these shorts too?

A Yes. So again, areas that were not stained did the same thing, two swabs.

Q Did you know if there was anything in the pockets or is that something that you would not deal with?

A Yes, I checked.

Q You checked the pockets. Okay. It looks like something, I was just wondering.

MS. ALIZADEH: Was there anything in the pockets?

A No.

MS. ALIZADEH: Would that be the inside of the pockets, you know when you turn a pocket inside out, there's fabric. Do you know what that is that looks like in that picture?

I'm going to let you look at it.

Q (By Ms. Whirley) But did you check the pockets?

A Oh, actually, I think it is the velcro, there's velcro.

MS. ALIZADEH: For the pocket?

Q (By Ms. Whirley) And then here --

A That's the inside of the pocket.

Q Okay. And you checked, there was nothing in the pockets?

A Right.

Q Correct, okay. So --

MS. ALIZADEH: You want this still up here? You were done with that.

MS. WHIRLEY: I think I'm done with that.

Q (By Ms. Whirley) So Number 36. What are we looking at there?

A This is, these were kind of backwards. So this, again, was the first picture that I took of the shorts just to show the complaint number, my initials, DSN, date.

Q So what is that Q number?

A Q2.

Q Q2. What's that other number next to it, or symbol?

A A bracket.

Q Just a bracket. That's what is throwing my math, that's Q2?

MS. ALIZADEH: Kind of like a greater than symbol.

A Yes.

MS. ALIZADEH: Like an arrow kind of thing.

Q (By Ms. Whirley) What does it represent?

A It doesn't mean anything. It just is, that's just how I write it. I do the Q and then just showing my initials and the date all done at the same time.

Q I see, okay. And what did you do with this piece of, this item?

A Well, these are Michael Brown's shorts that I swabbed the non stained areas for trace.

Q You also swabbed this area, is that near the waist band?

A Yes, so any non stained areas.

Q Okay.

MS. ALIZADEH: Did you swab the belt as well?

A Yes, because that is a good place. When you are swabbing for trace on clothing, a lot of times pockets, collars, belts, those are areas that

are easily grabbed. So, yes.

Q (By Ms. Whirley) Okay. This is Photograph Number 37. That's on your other report beginning with, I think, Q22, correct?

A Yes.

Q Okay. And this was submitted another day. What did you do with this item?

A I swabbed this hat for wear DNA just because it wasn't identified on the receipt as belonging to someone in particular. So I just swabbed areas that would touch skin. If you're wearing it on the hat, it is the inner rim of the hat of the bill.

Q This is number 38, also a photograph of the Cardinal baseball cab, correct?

A Yes.

Q You just gave us another view of it I see?

A Yes.

Q All right. And then Number 39. So you also took photographs of the flip flops that you were told he was wearing; is that right?

A Yes.

Q And that's 39 and 40, which I will show in a moment. Did you do anything with that spot that's there that we're looking at?

A Yes.

MS. WHIRLEY: We had an interruption for the alarm sounding. We are good now. So we were on Number 39, Photograph Number 39 and Number 40, which we will show in a minute. They are both pictures of the flip flops that you were told Michael Brown was wearing, correct? Tell us was there anything of evidentiary value that was lifted from those flip flops?

A Well, I tested orange brown stain for possible blood.

Q Is that what we are looking at here?

A For Q23, I tested reddish brown stain on the outside left side, so yes.

Q (By Ms. Whirley) Everybody see that stain?

A And then I also, let me see. I also swabbed the top of the sole area and the under side of the strap, the white strap, for trace for who was wearing. Again, like the hat, I didn't know who it belonged to.

Q Okay. And this is Number 40. We see a little speck on 40 too, did you test that also?

A I did. I tested, my notes one of four small reddish brown stains.

Q Okay. And did you confirm it to be blood?

A The quantity was not sufficient so I didn't confirm it. And then I also, like the other flip flop I swabbed, I will show you, I swabbed the sole area and then underneath the strap for trace.

Q And this is 41. This was submitted to you, correct?

A Yes.

Q What did you do with this?

A Again, there was no one code as to who it belonged to. To get a wear DNA, I just swabbed the entire bracelet for trace DNA.

Q So that's a bracelet?

A Yes.

MS. ALIZADEH: And just to be clear because we have two bracelets, this is the bracelet that is rubber with yellow, white and black coloring?

A I described it as black, yellow and white rubber rainbow type.

Q (By Ms. Whirley) I'm sorry, go ahead.

A Type bracelet. Per the receipt, it was recovered in front of 2964 Canfield.

Q It is identified as Q25, which is also in your report identifying it, correct?

A Yes.

Q And on this one, which is Number 42, that's this one is Q26, how do you describe that one?

A I described it as a dark brown beaded bracelet recovered from the front of 2964 Canfield.

Q Okay. Do you know what material that's made of?

A Well, on my notes I put apparent wood.

Q Wood.

A I don't know for certain.

Q That is what it felt like, or looked like to you?

A It looked like wooden beads.

Q Okay. And that was swabbed also?

A Yes.

MS. ALIZADEH: For trace?

A For trace.

MS. ALIZADEH: Neither bracelet had any stains that were of apparent blood or anything that you thought might be blood, right?

A They did not have any reddish brown stains on them.

: Was this considered the gold bracelet?

MS. WHIRLEY: Don't know.

: Okay.

. Were these his bracelets, do we know that?

MS. WHIRLEY: We'll talk to the DNA person to see if anything of evidentiary value came from the swabbing because you really can't talk about that, correct?

A No, I just swab and prepared all the samples for DNA. The DNA analyst will be able to answer those questions.

MS. WHIRLEY: The skin cells or anything on it, yes.

Q (By Ms. Whirley) The last two photos are 43 and 44, and they are socks, correct?

A Yes.

Q We'll do 43 first.

A They are from the first report.

Q Okay. And from the first report, and that's Q?

A It is Q3.

Q Q3.

A So those were Michael Brown's socks.

Q You were told they were his socks, correct?

A Yes, it was indicated on the receipt that

they were his socks.

Q Okay. And you indicate that they had reddish brown stains throughout, at least Q3 did?

A Right.

Q You have both of them as Q3, pair of socks, got it. I see now. I just had to look. So reddish brown stains, did you swab that for, or was it --

A No, I just tested for blood.

Q Okay. And you confirmed blood?

A Yes.

MS. ALIZADEH: And this is Photograph 44. And, , when you look at that, in this area right here, did you mark with, is that your marking of the area?

A Yes.

MS. ALIZADEH: Like with a Sharpie or something?

A With a Sharpie. That's the area that I tested.

MS. ALIZADEH: For blood?

A For blood.

MS. WHIRLEY: That's really all I have, Kathi.

Q (By Ms. Alizadeh) So just in summary, can

you tell me of the items, of the items you tested, you found apparent blood on the officer's pant leg, correct? Did you test that stain on the officer's pant leg?

A I tested the swabs, I didn't doubly test it, so I tested the swabs that came from the crime scene from the pant.

Q Okay. And did you determine that was blood?

A Yes, they were blood.

Q And you didn't see any apparent blood on the shirt of the officer, correct?

A Correct.

Q And then, you know, we've talked about the shirt of Michael Brown, the pant and the socks all had apparent blood on them, correct?

A Or confirmed blood, yes.

Q Or confirmed. I'm mixing my terms. Apparent is when you're not you sure what it is, but it looks like it?

A Right.

Q And then on the sandals, you didn't have enough to confirm that it was blood; is that right?

A Yes.

Q And then what about the swab from the gun,

there were two swabs submitted from the gun. Did you test those swabs?

A I tested that for blood. Yes, the swabs, they were, they had reddish brown stains and black stains on the swab. Since it had a reddish brown stain, I tested it for blood. It was presumptively positive for blood, but the quantity was not sufficient for confirmatory testing. Again, I didn't want to --

Q Destroy the sample?

A Yes.

Q Consume the sample?

A Yes.

Q That was presumptive positive for blood, but you didn't do a confirmatory test and you forwarded that to the DNA section, would that be right?

A Yes.

Q And then what about the swabs from the interior of the door of the police vehicle, did you test those swabs?

A I tested, well, there were, there were several. So you're saying that interior, I received numerous swabs from the car. Do you mean in general, or you want me to go through each one?

Q Well, I'm thinking in particular there were photographs that were taken by that there was reddish brown stain on the driver's side, on the driver's door, on the inside of the door?

A Okay. So what I have is Q12 was a swab with reddish brown stains from the driver rear passenger exterior door.

Q Driver rear?

A Rear passenger exterior door, Ferguson PD 108.

Q That's the exterior. Do you have one for the interior of that door?

A Yes. Swabs with reddish brown stains from interior left front door handle.

Q Yes?

A Yes, I confirmed blood on those.

Q So that was confirmed blood?

A Yes.

Q Let's go back. You talked about the swab that you received that was from the exterior rear driver's door.

A Yes.

Q And I recall we had a photograph that was taken by that had a reddish brown spatter perhaps, I don't know what you might call it, but if

that is the swab that you tested, what did you determine about that?

A I determined that it was blood of probable human origin.

Q Is that a presumptive test or is that a confirmatory test?

A It is confirmatory for blood, but it is presumptive for the species just because there has been reporting of some upper primates and ferrets producing the same result. So we say probable human origin for that.

And since it was on the exterior of the car, that's why I wanted to do that to test or give a possible species result just because it was outside the car.

Q So it is conclusive for blood on the outside of the door, conclusive for the blood on the inside of the door, conclusive or presumptive for blood on the gun?

A Yes.

Q And then conclusive for blood on the swabs that were on the pant leg for the stain on the pant leg, correct?

A Yes.

Q And then Mike Brown's clothes you have

already testified about that.

Did you do any blood, did you test for blood on the apparent skin or hardened nasal mucus? I know you said you took a sample from that to forward to the DNA section, did you test it for blood?

A I did. I confirmed it for blood and also for presumptive species for that was positive.

Q And that was on the outside of the car as well?

A Yes.

Q And all of these things that tested positive for blood were forwarded to the DNA lab, the DNA section, correct?

A Not every item, but the probative items I confirmed blood on, such as Michael Brown's clothing, those samples weren't forwarded. I can go through each of the items that I did forward, I have a sheet.

Q Well, if I asked you the skin/nasal mucus, that actually a sample got forwarded to the DNA section, correct?

A Yes.

Q And then what about the reddish, the blood that you determined on the outside of the driver's

door, did that go to DNA?
A Yes.
Q The blood that you confirmed on the inside of the driver's door, that went to DNA?
A Yes.
Q And then the blood that was on the, swabbed from the officer's pant leg?
A Yes.
Q That went to DNA, correct?
A Yes.
Q And then the, now, you said that you could not do a confirmatory test on what you detected was presumptive positive for blood on the gun swabs, but you forwarded those swabs to the DNA section, correct?
A Yes.
Q And then you've already testified about the swabs, places you swabbed for trace evidence. On the officer's shirt that was forwarded to the DNA section, correct?
A Yes.
Q On the officer's pants?
A Yes.
Q And the pants and shirt of Michael Brown, did you forward those, the trace swabs?

A Yes.

MS. ALIZADEH: All right. Checking my bases. All right, thanks, nothing else.

MS. WHIRLEY: , did you have a question?

. When you get through swabbing, does it automatically go directly to the DNA or someone comes behind you, is there another step between you and the DNA testing?

A No. Once I would do any testing that I need to do, then I also sample it and prepare the sample for DNA, and then it will be put into a refrigerator until the DNA analyst takes it.

MS. WHIRLEY: Anyone else, questions? ? No?

MS. ALIZADEH: Thank you. That concludes the testimony.

(End of the testimony of

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q Good afternoon. If you could introduce yourself to the grand jurors and spell your name for the court reporter, please?

A My name is . That's

.

Q What's your occupation?

A DNA technical leader with the St. Louis County Police Department Crime Laboratory.

Q What do you do generally?

A Generally, I perform the duties of a DNA analyst. So that involves processing evidence submitted to the lab for DNA testing. As the DNA technical leader, I have additional responsibilities, primarily to insure that our DNA section maintains compliance with the FBI quality assurance standards that are required for DNA testing laboratories.

Q Are employed with the St. Louis County Police Department; is that correct?
A That's correct.
Q And how long have you been employed with them?
A It will be four years in February.
Q Did you do any other scientific work before?
A Yes, previous to my work with St. Louis County, I was a biologist and a DNA analyst with the St. Louis Metropolitan Police Department Crime Laboratory for just over six years.
Q You have a total of what, is it ten years or more?
A Approximately, yes.
Q What type of work, tell us about your education?
A I have a bachelor's degree in biology, as well as a bachelor's degree in anthropology from the University of Missouri-Columbia. And then I have a master's degree in biology from Washington University.
Q Okay. And we also have a copy of your CV that you provided for us. We have it marked as State's Exhibit, I'm sorry, Grand Jury Exhibit

Number 72.

(Grand Jury Exhibit Number 72 marked for identification.)

Q (By Ms. Whirley) That kind of outlines all of your credits and education and training. So we don't have to spend a lot of time talking about that.

A Okay.

Q At least at this stage. Now, approximately how many DNA cases have you worked?

A Approximately 1,400.

Q Okay. Can you tell us, a case comes to you, how does it start for you, a case?

A Sure. Generally evidence is collected from a scene or from a hospital or from other medical examiner's office, et cetera. That evidence is submitted to the laboratory and a biologist or biological screener obtains that evidence from the vault, they process it for whatever bodily fluids or potential DNA may be there.

They perform their testing and they collect samples from the various areas of the items and then they forward that on to DNA, which is where I come in.

Q They forward that to you?

A Correct.
Q You are one of the DNA analyst.
A Correct.
Q How is it determined who is going to get the case?
A It's generally just availability, so whoever the next available person is will take the case.
Q And I want to get a little bit more general information out there, but before I go to ask those questions, I do want to specifically state that you worked the Michael Brown shooting case; is that correct?
A Yes.
Q And did you work this one in an expeditious fashion or any different than any other case?
A It was worked just like any other case, but it was worked, I guess, as a priority.
Q Okay. Priority is a better way to put it. Why, do you know why it was made a priority?
A Due to the sensitive nature of the case.
Q Within the United States, all the information that's coming out, we are trying to get this completed, right?

A Yes.

Q Or you were trying to get it completed?

A Correct.

Q I think you kind of told us what your responsibilities at the crime lab are, correct? Is there anything else you wanted to add to that?

A Not that I can think of.

Q Okay. And what is DNA, we are going to play a little film, is this a good time do it?

A Yeah, that would be great.

Q You provided us with a CD. I'm going to keep talking as I get set up.

You provided us with a CD on, I guess a little animated feature regarding DNA section?

A Yes.

Q This film, you put it together for us; is that correct?

A Yes.

Q To kind of give us a little illustration of what DNA is and how it works. So that might be helpful and kind of break up the afternoon. So let me get it started here. Can you see all right from where you are or do you want to stand up?

A I think I can see all right. I can stand up if need be.

Q All right.

MS. ALIZADEH: You might be able to advance by doing that.

Q (By Ms. Whirley) Tell us that first slide. That first slide, DNA processing, talk to us about it and then indicate to Kathi when she should go to the next slide.

A Sure. So if at any point you all have questions, feel free to interrupt me. If I start talking too fast or anything.

So this first slide is giving a little bit of background information on what forensic DNA testing is and the type we perform in our laboratory. We do what is called nuclear DNA testing. That just means that we're looking at DNA that's in the nucleus of a cell.

So if you think of an egg, would be like the egg yoke. That's where the nucleus is.

And more specifically the technology that we use is called short tandem repeat or STR. Basically the thing to take away is that we are not sequencing genomes here, we are not able to determine if there's genetic diseases or any sort of information like that.

We're actually looking at areas of

the DNA that are, what we call junk DNA. So they're just sequences that are scattered throughout the genome that differ from person to person, but they don't have any known function, so they are not genes.

Q All right. So next slide?

A So here is a little graphic of DNA. It is basically a chemical blueprint of your body. We get half of our DNA from our mother and half from our father. It varies from person to person and it is found in almost all cells in the human body. So again, I mention the nucleus. Any cell that has a nucleus is going to contain nuclear DNA. Next.

This is just a little slide on what exactly I mean by short tandem repeat. Essentially, you have a little segment that is usually by four base pairs long that repeats over and over again. And so in forensics, what we do is actually determine how many times that little unit repeats.

So you can see here there is an illustration of that. You can see there is seven repeats there on the top and eight on the bottom.

I also mentioned that we get half of our DNA from our mother and half from our father. So for all of your chromosomes you basically have a

pair of each chromosome, so one from mom and one from dad. So in this illustration, perhaps the seven repeats came from mom and the eight repeats came from dad. So that's essentially what STR technology is.

The way that we're able to actually obtain the DNA profile is something called polymerase chain reaction, basically it is just a fancy word for copying for amplification. We are able to target specific areas on the DNA and amplify millions of copies of those so that it can be detected by an instrument. So again, we are not sequencing genomes, we are just looking at very specific points on the DNA.

Just another thing that's important to note. I know on CSI and shows like that they sort of just get a profile and they magically know who it is, but in reality it is just like fingerprints where you have to have reference DNA from an individual to obtain what their profile is to compare it to the case.

Q (By Ms. Whirley) So when you say reference, you are talking about some known sample?

A Yes.

Q So if you take my blood or my buccal swab

and you are comparing it, I'm the reference sample?

A That's correct.

Q Not just some unknown entity out there?

A Right.

Q And then when you talked about the copying.

A Yes.

Q Is that what allows you to get a DNA sample from something as minute as a little blood stain?

A That's correct, yes. With older technologies like RFLP that's mentioned on the slide, you needed a blood stain about the size of a quarter. Whereas now with PCR you can get DNA profile from a tiny speck of blood or even potentially skin cells left behind from someone grasping an object.

Q So sometimes when the police aren't able to get a fingerprint sample, they may, latent print, you may be able to find with DNA?

A Sure.

Q Or DNA sample or profile, rather, of someone?

A Yes.

Q Okay.

A And it is also important to note at all stages we have controls that are run along with the samples, both positive and negative controls, just to make sure that all the reagents are free of contamination and that the analyst isn't introducing any contamination.

Q That raises another question. What do you do to make sure your own DNA isn't getting into sloughing or flaking off into things that you are testing?

A Yes, there is couple things that we do. We wear protective equipment, so lab coats, masks, gloves, we change gloves in between samples, we use all of the consumables, et cetera, are one-time use. We don't reuse any of the plastics.

The second thing is we actually have all of our DNA profiles in a local database. So every sample that we run, we crosscheck it against all of the individuals in the laboratory to insure that we are not being detected in the sample.

MS. ALIZADEH: I have a question. Talking about the copying or amplification, I know in some cases I've had where the report will say that there wasn't a sufficient amount of DNA to obtain a profile. Why can't you just, can't you just copy it

over and over again until you can get a big enough thing to test?

A Yes. So when you see that sometimes in our record, we do actually amplify all samples, even if the, well, I guess there's a step before it called quantitation, where we estimate how much DNA is there. Some labs stop at the quantitation step, if there is no DNA indicated in the samples. We go ahead and carry it through and amplify everything.

So when that sentence appears in the report, it just indicates that basically the result that we got, there was just not information there to do a comparison. We weren't able to amplify enough to get a result.

MS. ALIZADEH: Is it possible that you wouldn't have any DNA in that sample?

A It is possible, yes.

MS. ALIZADEH: So when you say you amplify it, it undergoes a process whether you know there's DNA there or not?

A Correct. We go ahead and amplify all the samples.

MS. ALIZADEH: Okay.

A Yes. I think that's all for this slide.

And so this is sort of a little bit

technical here. This just goes through the various steps. You can see the first step shows a biologist with an alternate light source. Typically that's used to look for semen or potentially saliva stains. We don't usually use this to look for blood. You probably see that on CSI though.

So after the biologist prepares everything, the next step in DNA is called extraction. Basically all that's doing is purifying the DNA. The cells have a lot of proteins and other debris that we're not interested in. So the extraction part gives us a clean DNA sample.

Quantitation is the next step. I just mentioned that a minute ago. Again, we are trying to estimate how much DNA is there. This is important because we have a target range that we're trying to get to. We have a target number of copies we want to get to.

If we have, for example, a blood stain that has a lot of DNA in it, we might, basically, we need to use less of that to get to that target amount. Whereas if we have a swab of a steering wheel where maybe there is just skin cells, we probably need to amp a little bit more of that. So that step just lets us know how much to load into

our amplification.

Q (By Ms. Whirley) What is this target, did you say target number?

A Yes.

Q Where does that come from?

A Typically it is based on validation studies. There is something called developmental validation and then there's also internal validation. So internal validation is what I'm responsible for, any time we're bringing in new technology online. That number is determined during that process.

Q Is this part of the accreditation that you determined, I mean, who determines what the number should be is I guess what I'm trying to figure out?

A In our case, it would be me, since I'm the one performing the validation. So I look at data that's available in the community from the developmental validation, which is typically done by the manufacturer. And then we do additional testing to make sure that it works in our hands just like it does in the manufacturer's laboratory.

Q Okay.

A So you can see pictures of the instruments there. Number 4, the yellow, that's the thermal

cycler. And that's what does the copying. Basically it is just a heat clock, it heats and cools the sample for certain amount of time and certain temperatures. And it allows the DNA to be copied.

And then the last step, the green, that's called the CE, capillary electrophoresis. Basically it's just a fancy term for the instrument that actually gives us the DNA profile. So it's able to separate out those copy fragments by size.

And then also during the copying step there were fluorescent tags that were added. So that's what the instrument is actually seeing are those fluorescent tags. So it is able to give us a DNA profile tag.

This is what a profile actually looks like. You can see there is green boxes above the peaks. Basically that is just the name of the location on the DNA that we're looking at. It is too small to read, but let's say D3, for example, that just means it is on the third chromosome.

The other thing to note here, there is either one or two peaks under each of those spots. And that just goes back to what I was mentioning earlier about you getting half of your

DNA from your mother and half from your father.

So that is how we are able to do paternity testing as well. If you have reference standards from the parents and the children, you can look location by location to see if those parents contributed the DNA to the child.

Q At the bottom it says every person has a unique DNA profile except for identical twins?

A That's correct, yes. Everyone on earth has unique forensic DNA profile except for identical twins.

Q Okay.

A And then the numbers under each peak, that's just how many times it's repeating. Some of them say 15, 16, that's what we call the genome type, that set of numbers, and that is what we compare to the reference standards.

This is just a slide on touch DNA. I mentioned it briefly earlier. Touch DNA is also called trace DNA. Essentially, that's just when we are trying to obtain DNA left behind by contact with an object.

So a steering wheel swab, for example, the handle of a knife, let's stay that was used in an assault, swab of sunglasses, earrings,

there is all sorts of things that we can attempt to get touch DNA on.

There is a lot of factors that go into whether or not we can actually get a profile from that. The length of time that the contact was actually made can be a determining factor. The biology of the individual. Some people shed a lot of DNA, some people don't, and there is no way to predict that.

If the individual is sweating and really worked up, then they are more likely to leave larger amounts of DNA behind. And also the surface of the item that's being contacted, so typically it is kind of like the opposite of a fingerprint. This might be a smooth surface, it might be great for fingerprints, but not as good for DNA. And that's really just a twofold thing.

Essentially, when you have something like fabric, there is more friction that's going to be pulling cells off. And then there's also more places for the cells to kind of cling to and maintain and stay in there.

Q With the touch DNA, someone's DNA profile may be on an item, but can you say whether it is saliva, skin cells, I mean, can you speak exactly to

what that bodily item is or not?

A No. Forensic DNA profile is going to be the same throughout your body. So whether it's from blood or semen or skin cells, the DNA profile that I showed you a minute ago is going to look exactly the same.

So screening test can kind of, I guess, illustrate, or maybe point to a probable source of the DNA, but the DNA profile itself will not indicate that.

Q You can say this is the profile?

A Yes.

Q But you can't say what the actual bodily fluid was?

A Correct.

Q Okay.

A We'll have to kind of press through these.

Q These are just like pictures for us?

A These are just some limitations, we just talked about one, but DNA, again, that profile is not going to tell us when it was deposited. The next one.

MS. ALIZADEH: Let me back up, I have a question.

A Sure.

MS. ALIZADEH: And it probably is not particularly relevant in this case. The DNA degrades, so like you said, you can't tell when it was deposited, you know, we see on TV where they will dig up, exhume a body that's been buried for 100 years they will do DNA on it. Is there any way to tell if the DNA is recent or fresh DNA, as opposed to something that's been degrading over time?

A Well, there's certain things in the profile where you can tell if the sample has been degraded, but there is nothing to indicate specifically how long something has been degrading for or how long it has been in the ground or anything to that effect.

Domestic incidents. So let's say, for example, husband and wife living together, wife stabs husband with a steak knife. Let's say we find her DNA on the handle, that's great, but since she lives in the house and handles the knife all the time, maybe she just ate a steak the hour before. So DNA is less useful in situations like that.

Intent. So this typically has to do with sexual assault cases. Again, DNA profile is not going to tell us whether the sex was consensual

or whether it was a rape. We simply obtain a profile or we don't, that's all.

We just talked about this a little bit. We can't determine what fluid the DNA profile is from definitively.

MS. ALIZADEH: You use the word fluid, you can get DNA from skin cells, correct?

A Correct. And then as we mentioned earlier, identical twins will have the same profile.

MS. ALIZADEH: What are those little things in the middle there?

A Those are angry sperm. That has to do with the consensual sex or not. I always say it would be great if they looked like that under the microscope, but they don't.

And then as Kathi just touched on, DNA can be degraded by environmental conditions, chemicals, like bleach.

So in this case there was some DNA mixture obtained. I just wanted to touch briefly on what that is exactly. You can go ahead and hit the forward.

Mixture is just where we have DNA from more than one individual on an item. Sometimes we have so many people on an item that we are not

able to discern any particular profile and we're not able to make any useful comparisons or inclusions.

And then other times we have cases where maybe there's a large amount of DNA from one contributor, but the other people on the sample are not contributing very much. So we might be able to get a great result for the person who is donating a lot of DNA, but the minor contributors, as we call it, might be inconclusive because there is not enough there.

Q (By Ms. Whirley) If the minor person or the minor profile is too little to tell, you know, it is not a full profile, do you include or make any determinations whether or not that person can be included or excluded?

A So it depends on, well, let me back up. The first thing that we do is when we get the DNA profile back, we actually perform our interpretation prior to looking at any reference standards. So we go location by location and look to see is the profile complete enough to be a comparison. And if so, what locations do we feel fully represent the DNA samples, so which location are conclusive.

So after marking all of that out and making all of our interpretations, then we go and do

the comparison.

So if we ran into a situation where a, let's say there's a minor contributor, but there is just not a lot of DNA from them, but the peaks that are there perhaps are consistent with a reference standard that we are looking at. Again, if the data is not of sufficient quality, then we would say it is inconclusive and we can't determine if they're there or not.

If those peaks simply don't match that person, then we would do what's called an exclusion, and we would indicate that they're excluded from that sample.

You know when we are born and take our footprints and fingerprints, do you ever have to go like back to the hospital and look up birth records or anything like that sometimes to determine?

A No, we actually don't have access to that kind of materials.

MS. ALIZADEH: I have a question. , of course, testified before you about areas of a shirt that she swabbed and chose not to swab for trace DNA. And she testified about the bloody areas on a shirt and that she didn't swab those areas for

trace DNA. She said something about the DNA section from the blood would overwhelm the trace. So can you explain what that means?

A Yes, so that exactly what we're talking about we are talking about here. If here's a huge amount of DNA from one person, essentially, that's going to do what we call preferential amplification. It just means that's going to be copied much more than the person that left the tiny bit of DNA.

So if there is not enough there, it is not going to amplify up, so we might not be able to make a conclusive determination about that person.

So I know we all have post-lunch food coma, but it is getting a little technical here, but this is just an illustration or what it actually looks like when we say major contributor.

So you can see there is numbers, 10, 11, 13, 16, 17, et cetera, you can see how some of those peaks are very distinctly higher above the rest of the peaks. So that's what we are talking about when we say major contributor. So the 10 and the 16 in the first location, the 11, 13, 17, those would be what we call minor contributor.

MS. ALIZADEH: And you mean those little

tiny peaks.

A Yeah, those little tiny down at the bottom, correct. So, again, typically our separation is about four to one, that's where we would determine there is a major contributor. So when those peaks are four times higher than the people down in the graph.

And then we can also have a major mixture where there is two people that are contributing a lot of DNA and then there might be just a couple tiny trace peaks from another individual.

So everywhere you see the red M in those boxes, that's what is being called the major mixture. So the majority of the DNA is being contributed by those two individuals.

So we can sort of treat that like a separate mixture from the stuff that's down in the graph.

MS. ALIZADEH: And I recall from your report, which I know we haven't passed out yet, there is places where you talk about a mixture of at least two people or a mixture of, so is it possible then when you say that it could be a mixture of more than two people?

A Correct.
MS. ALIZADEH: You're not able to say it is six people?
A Correct.
MS. ALIZADEH: Okay.
A Yes, in that scenario the report wording will say, there was a major mixture component of two individuals detected and then it will say an additional allele indicated a possible trace contributor or something to that effect.
Q (By Ms. Whirley) So when it says that, that means that there is another profile there, but you just don't have enough?
A Correct. From the trace individual, yes.
Q Okay.
A When we do our comparison and we find a probative match, probative just means something that's important to the context of the case. So it can perhaps disprove or prove key statements, et cetera.
We do a statistical measure of that to give weight to that evidence or to that match so the jury can determine is this a really good match, a really strong match or is it just so-so.
There is two statistical models that

were used in this case. The first is called the RMP, random match probability. Essentially, what that's saying is it's looking at a single source profile, so from one individual, and it is saying how rare is that profile. How often would we expect to encounter it in the general unrelated population.

If that profile reaches a certain threshold of rarity, we are able to conclude that the profile came from an individual that's listed in the case if they match. So we can say this profile is unique and it matches this particular individual.

The second statistic is used for mixtures, so you just need a slightly different model when you are dealing with a mixture versus a single source sample. So the particular statistic that was used is called a likelihood ratio.

Again, this is used when you can determine the number of contributors. So earlier I said a major mixture of two individuals. That would be a case where you could use the likelihood ratio. You can go ahead and forward it. I'll get a little bit more information on that in a minute.

This is just a slide, again, on random match probability. So, again, the way that we are able to determine how rare a profile is in

the population, we do what are called population studies.

So, essentially, a sample is taken from the population of the United States in our case, and they look to see how often are certain genome types detected, how often are certain alleles detected.

So think of it as a parking lot where you are looking to see how rare or common a certain car is. So if you have a parking lot, it is your driveway, you have only two cars in there, it is probably not enough, not a large enough sample size to say, okay, this is a rare car or not. It is only two, but if you compare that to, let's say, a parking lot at Busch Stadium, where you have hundreds of thousands of cars, you can probably determine, okay, I see 50 Toyota Camrys and et cetera.

So you can determine approximately how rare or common a particular allele is. So that's what the statistics are based on are these population data basis.

The more locations that we use, the more discrimination the profile is, that is the better able we are to differentiate one profile from

another.

So this is just a little bit more information. This is what I was saying about when it reaches a certain threshold of rarity, then we can conclude that there was a common source. So the evidence stain matches the suspect, for example.

Very often you will see in the media where you read newspaper accounts of trials and things, they will very often say that the, they will quote the statistic as being the chance someone else committed the crime. That's called the prosecutors' policy, there is actually a name for it because it happens a lot, but that's not what we are looking at here. No offense. They don't do that, they're good. Again, we are just looking at the rarity of profile. It has nothing to do with the context of the case or, you know, anything to do with innocence or guilt.

And there's also a defense attorney fallacy, and that assumption is everybody else with the same profile has an equal chance committing the crime. DNA statistics have nothing to do with access to the scene or any of those factors.

Go ahead. We pointed this out earlier, but DNA testing and testimony will not

indicate how a stain was deposited. Again, we're just looking to inform the jury as to the likelihood that the DNA from a crime scene sample matches that of a particular individual.

This is a little bit on the likelihood ratio, that's the stat we used when we have mixture. Basically it is just a mathematical way of saying how much particular hypothesis explains the evidence.

So let's say in a rape case, for example, one hypothesis might be that victim and suspect explain the mixture. And the defense might say, well, I agree the victim is there, it is a vaginal swab, let's say, but that's not my guy. It is some random guy.

So the defense hypothesis would be the mixture is explained by the victim and some unknown guy. So, essentially, we perform a statistic that just weighs those two options and determines which one is more likely.

And this is just a verbal equivalent of what that number means. So if you have a likelihood ratio of one to ten, it is limited support for that hypothesis. 10 to 100 is moderate support, on and on. Anything over 10,000 is very

strong evidence is to support that hypothesis.

This is just a real quick summary of what we do. Obviously, we interpret the profiles first, then we compare it to any reference standards. If there's a probative inclusion, we give statistical weight. We complete the report and then we submit it to technical administrative review.

So there's a second qualified analyst that's required to review everything in the report. All the processing documentation, just to make sure that they agree with the assumptions and everything that was done.

MS. ALIZADEH: I have a question about that because testified about there being a technical review. Does the reviewer run the same test as you to see if they are getting the same result, or they just looking at your work to see that it was done correctly?

A They look at my work to make sure that it was done correctly.

MS. ALIZADEH: Okay.

A I don't know, we can leave this up while we're talking. This is just a summary of the evidence that I tested from the first report and

then the next slide is the second report. I don't know if you can even read that, but it is a summary.

MS. ALIZADEH: I can pass out --

MS. WHIRLEY: That report is Grand Jury Exhibit Number, the first one is Number 73.

(Grand Jury Exhibit Number 73 marked for identification.)

MS. WHIRLEY: That's Q1, I think bottom K2, I will have you explain what those symbols mean.

A Okay.

MS. WHIRLEY: Grand Jury Exhibit Number 74, that's a supplemental report to the first one.

(Grand Jury Exhibit Number 74 marked for identification.)

Q (By Ms. Whirley) So basically you get the items, for example, the person that was here earlier who did the screening for DNA, she didn't do any analysis, she just checked the swabs, did a report, forwarded it to your DNA section?

A Yes.

Q And then what do you do?

A Um, so I go through the process that we outlined earlier where I process the sample, I obtain a DNA profile, I perform my interpretations and then I perform my comparisons.

Q Okay. So we're passing out the reports that you prepared, these are reports that you prepared, correct?

A Yes.

Q And tell us what the Q1 and the K1 and 2, what does that mean?

A Sure. That's the item designation that's given in the laboratory. So that would be what designated it as.

If you look on the first page of my report, there's in parentheses after each item, it says Item Number, for example, Q1-1. At the end it says Item Number 3 and that's referencing crime scene designation.

Q Okay. And on her report, I don't have it in front of me, let me look and see. Like when she does, I have it, thank you though. Her report where it says Q1 specimen, now yours says us Q1-1. Tell us about that, what's the difference?

A Yes. So any time an item is separated or a sample is taken from an item, it gets a new item number to distinguish it. So Q1 would have been the T-shirt and then Q1-1 just means that she took a sample from that item.

Q Okay. And what is the K1 and K2?

A The reference standards are given K designations for known. So in this case PO Wilson is K1 and Michael Brown K2.

Q You actually have their DNA sample?

A Yes.

Q Buccal swab for the officer and blood for Michael Brown?

A Correct.

Q All right. And as I mentioned with the lab biology person was here. On your report it also has victim suspect. That's not anything that you made a determination of; is that correct?

A That's correct.

Q How does that get that designation?

A We process it as it was submitted by the investigating agency.

Q So it comes to you from the police victim suspect?

A (Nods head.)

Q All right. Looking through items examined is on the Elmo, in addition to what we are looking at, they are the same thing, correct?

A Yes.

Q Okay. What items did you do analysis on that were of an evidentiary value? And when I say

evidentiary value, do you know what I mean?

A Yes.

Q What do I mean?

A To me it means probative value. So potentially proving or disproving statements or just anything to be potentially probative.

Q That's exactly what I mean. What did you analyze that was of evidentiary value?

A Well, I can list the items that I list statistical calculation on.

Q Okay.

A Um, so Q5 was the palm of Michael Brown's left hand, swabs from his palm.

Q What did you observe, tell us about your analysis about his palm and Q5, it would be on the second page of your first, of your three page report?

A Yes.

Q Marked Grand Jury 73, and it is the palm of Michael Brown's left hand?

A Yes.

Q And RBS means what?

A Red brown stain, something that would have tested either presumptively or confirmatory in biology for blood.

Q What was your conclusion about that?

A The DNA typing results obtained from Q5 are consistent with being a mixture of two or more individuals. This profile can be separated into a major component profile consistent with Michael Brown and a minor contributor.

There was an additional allele that indicates a possible trace contributor, but again, that was inconclusive.

PO Wilson is included possibility minor contributor profile. So then the next sentence is the likelihood ratio where it is giving weight to that statement. The observed mixture profile is 98 times more likely if it originated from Michael Brown and PO Wilson than it originated from Michael Brown and an unknown individual in the general unrelated population.

Q And that's kind of, I don't want to say confusing, when you say 98 times more if it originated from Michael Brown and PO Wilson. So you are not confirming that it did originate from those two?

A Correct.

Q Okay. So how is it probative of anything?

A Um, so in this case generally with any

case when you have DNA from a particular individual and another individual, then it's potentially probative. So if there were accounts that there was a struggle and we find DNA from individual A on individual B, then it's probative.

Q Okay. We know it is Michael Brown, correct, as the major contributor?

A Yes.

Q And are you saying that it's more likely that it is PO Wilson is the minor contributor?

A That's correct, then if it were an unknown person in the general population.

MS. WHIRLEY: You all have questions on that? Okay, all right.

What else do you have?

A So moving down. Q11, this was tissue from the driver front exterior door.

Q Okay.

A There is several items in this particular sentence. You want me to list those out before I read that?

Q Yeah, that is on page two of three. Okay, go ahead.

A Yes, it is about the third paragraph from the bottom. So Q11 was the apparent tissue from the

vehicle. Q12 was the driver rear passenger exterior door of vehicle 108, that would have been PO Wilson's vehicle.

Q13 and Q14 are reddish brown stains from the roadway in front of 2943 Canfield.

Q Okay.

A So all of those items Michael Brown is the source of those, of the profile obtained from those items.

Q Did you do any numbers on that one?

A Yes, I have the actual statistic is listed farther back in the DNA report. Would you like me to read that?

Q Yeah, if you would.

A This would be in the larger stack of things that we made copies of.

Q Okay.

MS. ALIZADEH: , is it on the third page of your report where it says conclusion based on the calculated frequency?

A That's an informational statement that says what the threshold is, but the actual number is back in this report, which is what I'm looking for here.

MS. ALIZADEH: All right.

A So I mention earlier that we have, basically these databases are based on samples of the population. So the database that we use has four ethnic groups; Caucasian, black, Hispanic and Asian. So there is four numbers that you will see in this report. This is on page 42 of the notes.

Q (By Ms. Whirley) They don't have those.

A Okay. So, let's see. So this would be a rarity of 1 in 36 nonillion, which is a very large number. I actually have a chart here. Nonillion is 10 to the 30th, so 30 zeroes behind it. So it goes million, billion, trillion, quadrillion, quintillion, sextillion, septillion, octillion, nonillion.

Q How many people are in the world?

A Approximately 7 billion.

Q 7 billion?

A Yes.

Q So this is many, many, many, many more times people than in the world?

A That's correct.

Q For you to get that match again?

A That's correct.

Q So that's Michael Brown?

A Right, yes.

Q All right. And this was blood that was, we are on Q11, that nasal mucus or tissue that was on the car; is that correct?

A Correct.

Q And the driver rear passenger exterior door and the roadway at 2943, it says Canfield and looks likes two samples from that area, Q13 and Q14, all Michael Brown is the source?

A Correct.

Q What else do you have?

A All right.

Q Q15, tell us about Q15, tell us about that.

A Okay. Sure. So this sample was from a reddish brown stain on the upper left thigh of PO Wilson's uniform pants. DNA from Q15 are consistent with being a mixture of two or more individuals. This profile can be separated into a major male component profile and a minor contributor consistent with PO Wilson.

One additional allele indicates possible trace contributor. Again, that's inconclusive. Michael Brown is the source of the major male component profile connected from Q15.

Q And is this one of those occasions where

you talked about there could be more than two that trace, you can't say what that is, but it is not either of these two individuals?

A That's correct.

Q Okay. And then on Q16, since we are in that area.

A Um, Q16 was a swab from the top exterior left front door of the vehicle. The DNA typing results obtained from Q16 are consistent with the mixture of three or more individuals. This profile can be separated into a major mixture of two individuals, with a trace contributor, and the trace contributor is inconclusive.

Q Okay.

A And then this is the likelihood ratio statistic again. Michael Brown and PO Wilson are included as contributors to this major mixture profile. The observed major mixture profile is 6.9 million times more likely if it originated from Michael Brown and PO Wilson than if it originated from PO Wilson and an unknown individual in the general unrelated population.

Q Okay. And you kind of explained that to us already.

A Yes.

Q And then for Q17, which was the exterior left front door mirror of vehicle 108, there was limited amount of genetic information to make any determination regarding the officer or Michael Brown?

A That's correct.

Q Okay. How about Q18?

A Sure. Q18 was the interior left front door handle of the vehicle. The DNA typing results obtained from Q18 are consistent with being a mixture of two or more individuals. This profile can be separated into a major male contributor profile and one or more minor contributors. Michael Brown is the source of the major male contributor profile. Due to the limited genetic information available from the minor component, the presence or absence from PO Wilson cannot be determined.

Q Okay. And then again, what we've talked about so far with Michael Brown is the source of the major male contributor, or even part of a mixture, can you tell us whether it was blood or saliva or?

A No, I cannot.

Q Okay. Or skin cells, no?

A No.

Q All right. Let's look at Q19.

A Okay. So Q19 is swabs from PO Wilson's weapon. The Sig P229, and this particular swab did test positive for blood, I have RBS listed there.

Q When we say RBS, that means that it's blood?

A Yes.

Q Okay. The reddish brown stain?

A Correct.

Q Okay.

MS. ALIZADEH: Do you --

A Assuming she was able to confirm it.

MS. ALIZADEH: That's what I was going to say. Do you know if it was presumptive?

A I believe on this item it was presumptive, I don't believe there was enough there to do the confirmatory test.

MS. WHIRLEY: You do have enough to get a DNA profile, you did get a DNA profile from the weapon?

A Yes.

Q (By Ms. Whirley) You can't say again whether it was blood or skin cell?

A Correct.

Q Saliva or what, or sweat?

A Correct.

Q So tell us about the weapon.

A Okay. The DNA testing results obtained from Q19 are consistent with being a mixture of three or more individuals. This profile can be separated into a major mixture of two individuals with a trace contributor. Again, the trace contributor is inconclusive. Michael Brown and PO Wilson are included as contributors to this major mixture profile.

The observed major mixture profile is 2.1 octillion times more likely if it originated from Michael Brown and PO Wilson than if it originated from PO Wilson and an unknown individual in the general unrelated population.

Q And again, we're talking about a number so high, you know, as many, many, many more times than the population of the whole world before you find another profile like this?

A Well, this is actually the likelihood ratio statistic, so it is a little bit different on the assumptions, but that hypothesis has very, very, strong support.

Q Okay, all right. And this is, I don't know if you have some different numbers somewhere else. This is a pretty important part of what they

need to know, the DNA on the gun. So what can you tell us about the DNA on the gun again?

A The hypothesis that it's these two individuals, PO Wilson and Michael Brown, is 2.1 octillion times more likely than it was PO Wilson and some unknown.

Q When you say hypothesis, what do you mean?

A Basically it's just how well that hypothesis explains the data.

Q What does hypothesis mean?

A Hypothesis would be that supposing that these two particular individuals contributed it versus another individual and PO Wilson.

Q Okay.

MS. WHIRLEY: Questions on that?

: Let me understand this, . So are you saying his DNA was on the gun?

A That statement is supported by the data, yes.

. You can't determine if it was from skin cells or fluid?

A Correct. The DNA profile would be the same throughout your body, so we're not able to determine if the DNA profile originated from blood

or skin cells.

Yes.

You talked about the door, the front door handle?

A Yes.

: You could tell it was Michael Brown?

A Yes.

: He was the more major contributor. So if he was the last person to touch it, would his DNA, would it have overrode whoever touched it prior?

A It's possible, yes.

Q (By Ms. Whirley) There's evidence that, or information that, and you probably know this already, you get some information from the police when you are doing this testing, correct?

A Some.

Q There was a shooting involved in the car?

A Yes.

Q And then there was blood and actually some blood swabs were submitted, correct?

A Yes, and I believe at the time of the testing, I don't know that I actually knew of a shooting.

Q But you know now before I told you?
A I do know now.
Q So if his DNA is on the gun and the car and the door of the car, there's no way you can tell us is it because he touched the gun or because his blood may have been on there or some other portion, sweat or saliva, probably not saliva, but some other bodily fluids, you can't tell us exactly how his DNA got on that gun?
A That's correct.
MS. WHIRLEY: Any questions on that?
: I do, I just have a question about Number 11, 12, 13 and 14. It says apparent tissue or hardened nasal mucus from vehicle 108. And it says apparent tissue or hardened nasal mucus --
MS. ALIZADEH: If you recall that was Officer testified that he used a pair of tweezers to remove something from the outside of the door.
: There was, none of this was from inside of the door?
MS. ALIZADEH: That tissue/hardened nasal mucus is on the outside of the door.
Okay. Thank you.

MS. ALIZADEH: But there are swabs taken from the inside of the door that she's testified about from the door handle, and that's the interior door handle.

: Interior door handle.

MS. ALIZADEH: I believe so.

A Yes, Q18, interior left front door handle. So interior left front door handle has DNA from Michael Brown inside the car?

A Yes.

Q (By Ms. Whirley) Again, we don't know how the DNA got there?

A Correct.

Q Okay. Let's go onto, were we done with Q19?

. What my question is, Q11, they introduced that to us a long time ago. We don't know what it is. If you can answer any more, was the suggestion that it was a hardened nasal mucus just an assumption because it looked that way?

A That's correct, but the biologist, she actually called me in to kind of look at it and just see what I thought. We didn't know what it was,

that's just what it appeared to be.

: Would there be any way of knowing --

MS. ALIZADEH: It's been tested.

: We know he had a close range wound to his hand. Is there any way of knowing, could have been skin that came off his hand or not any way of knowing that?

A I'm not sure. I know I can't determine that from DNA.

MS. ALIZADEH: Dr. is going to return to talk about because that tissue, that hardened nasal mucus tissue was forwarded to him for his testing. He's going to come back tomorrow and tell you what he found that to be.

MS. WHIRLEY: Thursday.

MS. ALIZADEH: Or Thursday.

Q (By Ms. Whirley) So Q20-1, I'm sorry, were there any other questions before we go on?

Q20-1. Tell us about that.

A Those were swabs from PO Wilson's uniform shirt. They were from the left side and the collar area, and I believe testified regarding that. The DNA typing results obtained from Q20-1 are consistent with being a mixture of three or more

individuals. This profile can be separated into a major mixture of two individuals with a trace component. And again, the trace component is inconclusive.

MS. ALIZADEH: Again, what?

A The trace component is inconclusive.

Q (By Ms. Whirley) So that's that person other than Michael Brown and PO Wilson?

A Yes.

Q Okay, go ahead.

A Michael Brown and PO Wilson are included as contributors to this major mixture profile. The observed major mixture profile is 2.1 trillion times more like that it originated from Michael Brown and PO Wilson, than if it originated from PO Wilson and an unknown individual in the general unrelated population.

Q Okay. So again, we don't know how his DNA got on his shirt?

A Correct.

Q Okay. Questions on that one?

Q21-1.

A This was PO Wilson's uniform pants on the left side. The DNA typing results are consistent with being a mixture of three or more individuals.

This profile can be separated into a major mixture of two individuals with a trace component, and the trace component is inconclusive.

Michael Brown and PO Wilson are included as contributors to this major mixture profile. The observed major mixture profile is 34 sextillion times more likely it originated from Michael Brown and PO Wilson than if it originated from PO Wilson and an unknown individual in the general unrelated population.

Q So those are on the pants?

A Yes.

Q Now, we started with Q5 and we talked about things of evidentiary value. K1-1 is Michael Brown's shirt, and you did not consider that to be of evidentiary value because it said that Wilson is excluded as a contributor to this mixture profile?

A Well, I started with samples that I performed statistical measures on and when we do exclusions, there is no statistical measure. So I can certainly get those results now.

Q Okay. Go ahead.

A So Q1-1 was Michael Brown's T-shirt. I believe this is where attempted to swab areas that did not appear to have blood staining. The DNA

typing results obtained from Q1-1 are consistent with being a mixture of two or more individuals. This profile can be separated into a major component profile consistent with Michael Brown and one or more trace contributors.

And then, again, there's limited genetic information from the trace component, so inclusionary statements can be made regarding this portion of the mixture.

However, PO Wilson is excluded as a contributor to this mixture profile.

Q So that means whatever the trace component was did not have any of the alleles or any of the profile of Officer Wilson?

A That's correct.

Q So Q2-1?

A This was Michael Brown's shorts. The DNA typing results obtained from Q2-1 are consistent with being a mixture of three or more individuals. This profile can be separated into a major component profile consistent with Michael Brown and two or more trace contributors. Due to the limited genetic information available from the trace component of the mixture, no inclusionary statements will be made regarding the trace component. PO Wilson is

excluded as a contributor to this mixture profile.

Q So to say the thing that we said earlier, none of those little points or the alleles match Officer Wilson?

A Yes.

Q If one of two would have matched, you would have said what?

A It is possible that maybe one or two did, but overall he was excluded. So if you have one or two, it's possible you just might have adventitious inclusion, I guess, because people do share alleles, they share peaks, but when you look across an entire profile, that's how when you are able to determine if they are excluded or not.

Q Do you use a certain number of peaks or alleles to make an exclusion?

A There is really not a specific number, it is just dependent on the mixture. But again, if there are peaks that are foreign to the individual then they're excluded.

Q So in this case, is that what we are seeing is that they were foreign to Officer Wilson?

A Yes.

Q The trace amounts, those alleles?

A Yes.

Q Anything else of evidentiary value that we missed?

A I think the only other items that we have discussed would be the swabs from Michael Brown's other portions of his body, his hands.

Q Okay. We'll talk about that. Is there a question?

So on Q1-1, the report talks about possible Police Officer Wilson grabbed the shirt of Michael Brown, from what you seen from the area that was tested, you didn't get enough markers to verify that that's true. From what you've seen you didn't get any police officer's DNA off of that shirt?

A Correct.

Q (By Ms. Whirley) Anyone else? Okay.

On that other report, which is Grand Jury Exhibit Number 74, was there, tell us about that, what you concluded in that analysis.

A The second report consisted of additional items that I was requested to process. There was Cardinals baseball hat, two Nike sandals, the right and the left. Actually, there was, yes, there was two sandals and there were two swabs taken from each of those sandals. So there's four swabs from the

sandals. And there were also two bracelets, one of them was a black, yellow and white rubber bracelet, and the other one was a dark brown beaded bracelet.

Q Were you able to, I see where you have the buccal swab referenced for Officer Wilson and the blood referenced for Michael Brown. Were you able to find any profiles on those bracelets?

A I was able to obtain a mixture on each one. You want me to --

Q Yes, please.

A So on the black, yellow and white rubber band bracelet, the DNA typing results obtained from that item Q25-1, are consistent with being a mixture of two or more individuals. This profile can be separated into a major male component profile and one or more minor contributors. Due to the limited genetic information available from the minor component of the mixture, no inclusionary statements will be made regarding the minor component. Michael Brown and PO Wilson are excluded as contributors of the major male component profile, however, I couldn't determine if they were present as possible minor contributors.

Q There wasn't enough of a DNA profile to make the connection?

A Yes.

Q Okay. That's for the yellow and black, yellow and white rubber bracelet. And then the dark brown bracelet, did the same determination?

A It was essentially the same. On this particular item there was a mixture of three or four individuals instead of a mixture of two or more, but again, there was a major male component profile and then two or more minor contributors, but they were excluded as the major contributor.

Q Then going to the first page, the Cardinals baseball cap.

A That profile was single source. Michael Brown was the source of that DNA profile. And then Q24-1 was the reddish brown stain on the right Nike sandal, that was also Michael Brown.

Q Okay. When you say single source, you mean no mixture, just straight one source?

A Correct.

Q Does that pretty much conclude that second supplemental report?

A The only other item would be swabs from, again, the second set of swabs from the left and right sandals and those results were inconclusive, so I wasn't able to do any conclusions on them.

Q You didn't do anything with the socks, correct?

A No.

Q All right.

. Did you do anything with the clippings of the fingernails?

A Yes. That was in the first report and those were consistent with Michael Brown. Let me see where that is.

MS. WHIRLEY: Is that Q10?

A Yes.

MS. WHIRLEY: Q9, Q10?

A Let's see, Q9-1, Michael Brown's left hand fingernail scrapings. This was a mixture, so again, this is Q9-1. It was consistent with being a mixture of three or more individuals. This profile can be separated into a major component profile consistent with Michael Brown and two or more trace contributors. Due to the limited genetic information available from the trace component of the mixture, no inclusionary statements will be made regarding the trace component PO Wilson is excluded as a contributor to this mixture profile.

MS. WHIRLEY: Q10?

A And then Q10 was a single source profile

and it was consistent with Michael Brown.

Q6 and Q8

backs of Michael Brown's hands, looks like there's no Officer Wilson's DNA on the backs of his hands?

A That's correct, it is a single source profile consistent with Michael Brown.

: We had heard that Michael Brown was punching the officer in the face. Would you say that's inconsistent with those reports?

A Well, on these particular items, it has RBS after it, reddish brown stain. So it is possible that PO Wilson isn't there, it's also possible he is not being detected due to the blood on the hand.

MS. ALIZADEH: Let me ask you this also. When it says that the backs of the hands were swabbed, and I guess we would have to talk to whoever swabbed them, we don't know if that includes the knuckles or back of the hand?

A Yes, I'm not aware.

MS. ALIZADEH: There is no indication in your notes to say where on the back of the hand it was swabbed, correct?

A Correct. I don't have that information.

MS. ALIZADEH: It could be, but they

didn't include that and we don't know?

A Yes.

MS. ALIZADEH: And also just to clarify, you did not have a known sample from a Dorian Johnson, did you?

A No, I did not.

. Back to Michael Brown. I guess is it safe to say that the areas that would have been in contact with PO Officer Darren Wilson, like neck, shoulders, was not swabbed due to the blood?

A I believe that's correct, yes.

I'm confused by that. But you did say you got DNA from his shirt, from Michael Brown, correct?

A On PO Wilson's shirt.

: He was talking about Michael Brown's shirt, which is my original question. You said that just because you weren't able to get Officer Wilson's DNA on his fist, on his hand, it could have been overwhelmed by the blood that was there?

A That's one possibility, yes.

: Or it could not have been there at all?

A Correct.

MS. WHIRLEY: Did he have blood on his hands, is that what you are talking about?

A Yes, the swabs, it looks like Q5, I have RBS listed. So there was blood detected there as well, Q6, Q7 and Q8.

. He had blood on both left and right hand?

A Yes, that's how it appears in my report, yes.

. (sic) Back to Q25 and 26, something the prosecutor brought up. If you had DNA samples, would you have enough markers to compare it to known DNA?

A From the major component, yes.

. The fingernail clippings and scrapings, were they separate, did they scrape them and also clip them, or was it just the clippings? And if it was just the clippings, could that have been, have deteriorated DNA?

A Um, I'm not aware of how they're collected. I think the medical examiner would have to speak to that.

MS. ALIZADEH: I think testified.

A That they were clippings.

MS. ALIZADEH: And that she swabbed the clippings.

A Right, because what I received is just a portion of the original item. So I just get a little tube with something inside, so I don't know.

In the report it says here that the contributors not identify, were unable to identify that, the example is put it in CODIS; is that correct, is that my understanding?

A Yes, at the very end there are two samples that were entered into CODIS.

: Do they stay in CODIS for a specific amount of time or just in case somebody might pop up?

A So just a little bit of background on CODIS. There is actually three levels of CODIS. There's a local level, state level and national level. So the national level is the most restrictive. There's a number of rules about what can go in. It has to be something from the scene of a crime. It cannot be from the victim, it cannot be from a witness in the crime, for example. But as you move down to the local levels it gets less

restrictive.

So, for example, all the analyst profiles are in our local database. Any reference standard from the list of the suspect is entered locally.

The Missouri State Attorney General has made a ruling at the state level we can maintain those suspect profiles. So we enter the suspect known at our level and it stays at the state level. It does not move to the national level.

Any unknown sample, we call it a case work unknown sample. And this example of Q12, which was consistent with Michael Brown, and I believe that was from the vehicle. That was entered into CODIS and that would go to the national level.

. I want to go back to Q1-1, Michael Brown's T-shirt again to make sure I'm clear. The last line says PO Wilson is excluded as a contributor to this mixture profile. So that tells he is not part of whatever stain is on that shirt.

A He was not detected, that's correct.

: And they also swabbed some of the non stained areas of that shirt and did not find any DNA in that area either?

A I believe Q1-1 was from the non stained areas.

: Okay.

A She did not swab the stained areas because, again, we would expect to find Michael Brown's blood.

MS. WHIRLEY: And that's pretty much protocol or standard not to swab an area that is bloody like that, just too much and the person who bled?

A Right, and DNA testing is expensive and time consuming so we try to restrict the number of samples to something that can provide information in the case.

Q There's just no way to know until it was requested?

A Right.

Q So what do you do after you complete your analysis, what do you do with all this stuff?

A All the samples, in this particular case for a time, I believe, the FBI were intentionally going to take it and place it in a vault in preparation for them to take. The particular items that I tested, I don't believe they ended up taking. So we boxed them up for long-term storage.

Q You have custody of them?
A They're in the laboratory, yes.
Q Do you know what items the FBI did test and they took the items that you tested, is that what you said?
A They informed me that they don't repeat something that has already been done, so they would do testing in addition to what our laboratory performs.
Q So I don't know that.
A I'm not aware that they retested anything that I tested.
Q And you don't know what they did test?
A No.
Q Okay. Here is a question I guess you posed for me, do you keep items, why do you keep the items for?
A The cuttings and all of the envelopes and things that would have taken. We do retain it for possible defense retesting. So we try not to consume any samples. And if we do have to consume a sample, we have to obtain permission from the prosecutor's office or whoever maybe if there is a suspect in the case.
Q I think you've already talked to us about

how you insure that your work is accurate, you said there is a technical review or someone reviews your work?

A Yes.

Q They don't retest, Kathi already asked, they just review what you have done?

A That's correct.

Q Steps that you have taken?

A Right, and they double check all the math and any calculations that were done.

MS. WHIRLEY: All right. Questions, Kathi?

MS. ALIZADEH: No.

MS. WHIRLEY: Anybody else? Okay. I guess you asked them along the way, that was good. Okay, thank you very much.

(End of the testimony of .)

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q That's the part where you promise not to talk about this after you leave today.

A Got it.

Q All right. Could you state your name, please?

A .

Q , the microphone won't amplify your voice.

A Okay.

Q You don't need to lean into it to pick you up, just talk loud enough so that I can hear you back here, okay?

A Got it.

Q What do you do,

A My title, 911 services coordinator for St. Louis County. I make 911 work in the county.

Q All right. And how long have you had that position?

A Twenty years.

Q And so are you also, do you have access to all the records that 911, that the communication center keeps regarding 911 calls?

A Yes.

Q What about radio traffic, do you also have

anything to do with the monitoring of radio traffic in St. Louis County?

A I did, and I still have access because it helps me troubleshoot a lot of things.

Q Okay. And so we've already heard testimony so we're not going to need a detailed description, but you, of course, you are familiar with the RIOT channels that St. Louis County has?

A Yes.

Q And how many RIOT channels are there?

A I believe there's four.

Q And they are A, B, C and D then?

A Right.

Q And so we have already again heard talk about what they are and how they work and when they're in use.

But when transmissions are received on the RIOT channel in the communication center, are those transmissions recorded?

A Yes, if they're actually heard they would be recorded.

Q Okay. So there's an audio recording of transmissions, correct?

A Correct.

Q Is there also a record that's made that

that transmission is actually received so there would be a date stamp, a time stamp with each transmission that's heard?

A Yes.

Q Okay. And were you asked during the course of the investigation into the shooting of Michael Brown, were you aware that there was some issue about whether or not a call was made on a RIOT channel?

A Not until you had asked.

Q Okay. So, and let's go back on August 9th of 2014, were you, do you recall that and were you aware that there was an incident that occurred down in South County at the St. Anthony's Hospital in one of their hospice care facilities?

A Yes.

Q And were you aware that there were a number of officers and County TAC responded, they had a staging area and so forth; is that correct?

A Yes.

Q And were you aware that on that, for that incident that the County Police had switched over and were broadcasting on RIOT A?

A That's correct.

Q And now, just for clarity sake, RIOT A, B,

C and D, those are separate channels, correct?

A That's correct.

Q And so did I ask you to search your records for any calls that were received and recorded on the RIOT A channel during times that are relevant to the shooting of Michael Brown?

A Yes.

Q And now you told me, we talked about this briefly out here just now that when you pull a segment of calls or time segment, that has to be in ten-minute increments; is that correct?

A Correct.

Q And so did you pull all the calls for the times that I requested and burned those onto a disc?

A Yes.

Q I'm going to show you Grand Jury Exhibit Number 60.

(Grand Jury Exhibit Number 60 marked for identification.)

Q (By Ms. Alizadeh) Is that your handwriting on there?

A Yes, it is.

Q Have you listened to the call on this disc?

A Yes.

Q Are those the calls that you pulled that I asked for?

A Yes.

(Grand Jury Exhibit Number 71 marked for identification.)

Q (By Ms. Alizadeh) And then did I, did you also provide for me a print-out that I've marked Grand Jury Exhibit Number 71, that shows the dates and times of those calls?

A Yes.

Q All right. So the first call that is recorded on Grand Jury 60 is a call from August 9th at 11:43, 11:00 a.m., I'm sorry, let me back up. 11:43 and 15 seconds in the a.m.?

A Correct.

Q All right. And then the record, which is Grand Jury Exhibit 71, date and time stamps it and says how long the call lasts; is that correct?

A That's correct.

Q And now the next column says caller number, but there is nothing in there?

A Correct. That would show like if it was a 911 call, would show the number that came in.

Q Okay. And then for the column that says channel name, it is all of those are RIOT A calls?

A Correct.

Q Okay. And then what is the, the next column says location, what does that mean?

A That's the DVD that it's on. For instance, 549, that's the 549th CD we have stuck in there to record.

Q So these calls are not maintained on a hard drive someplace?

A They are for about probably three weeks and then they are archived to this.

Q So regardless of whether I ask for these, I could get calls from a year ago, correct?

A We keep them that long, yeah.

Q So when you got these calls for me it was more than three weeks past August 9th, is that fair to say?

A Yes.

Q And so that location means you were able to determine what DVD it was on?

A Exactly.

Q Okay. And I'm going to pass out these records.

So the first call that was reported, I already mentioned, is at 11:43 and 15 seconds in the a.m. And then the last call recorded is at 2:06

and 31 minutes, I'm sorry, 2:06 and 31 seconds in the p.m., correct?

A Correct.

Q I mean, that's more than a ten-minute increment?

A Right.

Q You get these?

A What I was doing was trying to show when it ended and when it started and any traffic in between.

Q Okay. Now, are you aware that the incident at the St. Anthony's hospice facility, did that start before 11:43:15 a.m.?

A Way before it, yes.

Q So were you aware then that the county had already notified their officers to, that were involved in that incident, to switch over to RIOT A?

A Correct.

Q And so that transmission is not included in what you've gotten me, right?

A No.

Q And then down here you have a reference on August 9th, 2014 at 12:35:35 p.m., St. Anthony secure.

Is that reference, just that

particular phrase, St. Anthony secure, is that something that you came up with?

A I just came up with it because at that point on the tape or the CD is when they secured the channel. In other words, we're done.

Q So there is actually an audio recording of an officer's voice, we are clearing the RIOT A channel. In other words, the incident has ended, you can tune back to dispatch or whatever?

A Correct.

Q Okay. And then you also indicate at about 2:00 p.m. and 26 seconds on the same day, it says RIOT A for Ferguson, and again, that was, you determined, that is your phrase?

A That is my phrase from what was said on the audio.

Q Okay. So there's an audio of an officer activating the RIOT A channel because of the Ferguson incident?

A Correct.

Q And that was at 2:00 p.m.?

A Yes.

Q And have you listened to all of these calls yourself?

A Yes.

Q And have you heard in any of these calls, well, prior to the 2:00 and 26 second entry, so any time prior to that is there a call for shots fired on the RIOT A channel?

A I don't believe so.

Q Is there a call for officer in need of aid?

A Not that I heard.

Q Is there a call that says something like send every car you've got?

A Never heard that.

Q All right. And now I've listened to the calls also and I asked you out there, there's some of these calls actually is a series of tones and there's nobody speaking?

A Right.

Q Why are those calls, what is that?

A That's an FCC regulation where each channel has a frequency and you have to either broadcast yourself, the call signal over it, and for instance, normal everyday traffic, you'd say KWA 519, that's our call signal. On a channel that's not used very often, it is an automatic identifier that goes out, it is a tone.

Q So that's an FCC requirement?

A Yes.

Q And that is a tone that's just generated automatically?

A Correct.

Q It doesn't have any kind of meaning as far as any incident happening, correct?

A No, correct.

MS. ALIZADEH: I don't have any more questions. My questions for you, jurors, is do you want to hear these calls? They're not very long. Obviously, some of them are five seconds in duration, six seconds, 14 seconds. We could listen to all of them in a matter of less than ten minutes. Of course, this would be available if you all want to listen to it yourself at a later date, but that's up to you. Do you have an interest in hearing these calls?

MS. WHIRLEY: I had a question for

Q (By Ms. Whirley) This RIOT A for Ferguson, these are not Ferguson's communications to their own communication system, this is them on county's communication system?

A I'd have to hear it, but I believe it was county activating the RIOT channel. Normally most of your municipalities that are going to use it at

the very beginning you can hear a couple people just talking. They don't identify themselves. I can recognize one of the names. It was a guy in the St. Anthony's. They'll use it, they'll use that channel just, hey, meet me over at McDonald's or something, they will talk car to car kind of thing.

Q Okay.

A But usually an activation is done by the county.

Q And I'm sure it was said already, just to make sure I'm clear. A municipality like Ferguson can access that RIOT A channel and talk to other officers and other departments?

A Correct.

Q Okay. But it is really a channel that is maintained by County?

A Yes.

Q All right. On this channel, all of these other calls, like the St. Anthony's secure and the calls previous to that, all dealt with something that was happening at St. Anthony's?

A You can tell one of the cars, you could hear a guy say , he is on the SWAT team.

Q But they are not like communications where they are calling into dispatch and announcing their

location or their arrival, or asking for assistance or anything like that, it is just sort of an informal communication amongst officers on this channel?

A Yes.

MS. ALIZADEH: And just to clarify, because Sheila asked you, officers in municipalities can use this to talk to each other, but the other person has to be monitoring the RIOT A channel?

A Correct.

MS. ALIZADEH: So it is not like if someone transmits something on a RIOT A, it is not suddenly everybody switches over to RIOT A because there was transmission?

A No, you usually have a few, the smaller municipalities, they'll know. Let's say I'm Dellwood and you're something else, Bellefontaine. We know, hey, monitor this channel and I will call you when I need you, not call when I need you. I will just talk to you whenever I want you to monitor.

MS. ALIZADEH: We also heard some testimony, you know ; is that right?

A Yes.

MS. ALIZADEH: You are the one who hooked

me up with him so he could explain how radio traffic works, right?

A Yeah.

MS. ALIZADEH: And so we heard him testify about that emergency button or the orange button that was on the walkie-talkie. And he said that no matter what channel an officer is on, when that button is pressed, it automatically switches, it automatically goes to the dispatch channel for that officer's department.

Now my question to you is, if that button is pressed by an officer in a municipality who is not on RIOT A, but might be on another channel, would you hear it on RIOT A?

A No.

MS. ALIZADEH: If that button is pressed while the officer is on RIOT A, because testified about how that tone, the data bursts that are sent out when that button is pressed, are going to go through, they are going to override everything else?

A Uh-huh.

MS. ALIZADEH: So if that button is pressed when the radio is on the RIOT A channel, whatever channel that might be for the municipality,

would you hear it on the, would you be able to hear it on the RIOT A monitoring, when you are monitoring RIOT A?

A Well, County is different. I think the way described it is Ferguson does automatic, is programmed to automatically, no matter what channel I'm on, if I press it, it is going back to the Ferguson main. So, no, we never hear it.

MS. WHIRLEY: It is not going back to County, just Ferguson?

A Correct.

MS. WHIRLEY: Okay. I know you had a question.

GRAND JUROR 12: It shows the RIOT A for Ferguson started at 2:00. I know you were asking questions about you hear anybody asking for help, but this would have been, they would have secured this channel after the incident happened, correct?

A They didn't secure it, they started it up.

: They started the RIOT channel after the initial incident --

A Yes.

MS. WHIRLEY: These are officers talking informally amongst each other?

: Right. This is not an

officer asking dispatcher for help, this is officers talking to each other about the aftermath of.

A No, when St. Anthony secured, we shut down the RIOT channel. There is nobody sitting there monitoring, listening, we shut it down. Ferguson happens, all of the phone calls made.

: You said Ferguson happened.

A The incident at Ferguson.

: The incident happened.

A That was around noon-ish. So that happens and all the phone calls are made and then the decision, commander decides let's move everything over to the RIOT channel.

: So my question, just so I get everything, this is not, this is not going to tell us whether Officer Wilson called in for help or anything, this is just going to tell us that after the fact they secured this channel for what they needed?

A Well, everything you see in here is on the RIOT channel.

: I know that.

A So if he called on the RIOT channel.

: If he called his own

dispatcher, it would not be on here?

A No, this is strictly St. Louis County.

: They started using this channel after the incident?

A After the incident, code 2000 they call it, and they activated the RIOT channel.

: They activated the RIOT channel to assist with the aftermath of what happened?

A Yeah.

MS. ALIZADEH: Again, just to be clear, if for the sake of assumption, if Officer Wilson had broadcast or had transmitted something on the RIOT channel, it may have been received and recorded, correct?

A Correct.

MS. ALIZADEH: But we've already heard from that there are these voting recorders or receivers and they selected a transmission that's best quality and so it might get, might not have been received?

A Correct.

MS. WHIRLEY: Okay. On your report, it says from August 9th, 2014, from 11:52:32 seconds a.m. to 12:04 and 01 seconds p.m. Does that

indicate that there was no transmission between that time period?

A No, say that again, though, you say --

MS. WHIRLEY: 11:52 and 12:04 on the RIOT channel, was there any transmission? Because it looks like the duration of 11:52, was that six seconds?

A Yeah, okay, it picked up something at 11:52 for six seconds.

MS. WHIRLEY: Right. So after that six seconds was over, is there nothing else that was picked up until 12:04?

A Correct.

MS. WHIRLEY: So if someone was on the RIOT channel, that would have been recorded?

A Correct.

MS. WHIRLEY: Between that time period?

A Yeah.

MS. WHIRLEY: Between 11:52 and 12:04, if there was nobody else transmitting.

A Yeah, any kind of break in time in there, there's no audio to record it.

MS. ALIZADEH: Let me clarify. I believe talked about the fact that a lot depended upon where the transmission was made from?

A Oh, yeah.

MS. ALIZADEH: The strength of the transmitter, whether there is buildings in the way. So when Sheila said if somebody made a transmission during that time period, it would have been recorded. The answer has to be not necessarily, correct?

A Yeah, this is what was heard, what was recorded.

MS. ALIZADEH: Whatever was heard was recorded?

A Correct.

MS. ALIZADEH: We don't know if there was something transmitted that didn't get received or recorded?

A There is dead spots throughout the whole county.

MS. WHIRLEY: And then for St. Louis, I mean, for Ferguson's communication, they actually have their own dispatch; is that correct?

A Yes.

MS. WHIRLEY: You know that for a fact?

A Yes.

MS. WHIRLEY: Is it Ferguson Police Department that dispatches for Ferguson Police

Department?

A Yes.

MS. WHIRLEY: And this is a question you may or may not be able to answer and someone else, maybe you ask it better, ?

. Do you know how far Ferguson's tower is from Canfield by any chance?

A For the RIOT channel?

: Just distance.

A There are different frequencies or different towers. So, for instance, I can speak for the county. The county's tower is at Seven Hills and Halls Ferry. So that's where our RIOT receiver would be.

: Okay.

A But as far as Ferguson and their local town their frequency, no clue.

: I think we were told it was in the back of the police?

A There is a tower back there, but I don't know if it's a cell tower or what's actually on it.

MS. WHIRLEY: If it's a cell tower, if it is a cell tower, go ahead.

: Do you know the distance

from that tower to Canfield by any chance?

A No.

MS. ALIZADEH: I had told you I was going to look that up, I'll try to. I'll try to find that out again.

MS. WHIRLEY: Was that all of your questions? Just the distance, or you wanted to know, was he able to transmit?

: If like the line of sight wasn't available, even if he would have been on Ferguson, which he may or may not have been, could it have still been picked up, for lack of a better term, a dead zone?

A We have a lot of those, believe it or not, throughout the whole county. That's part of the new radio system we're building.

MS. ALIZADEH: To correct those issue?

A Correct all of those issues.

. Earlier you said something about a 911 call, if there would have been one, caller's number would have showed up on this report. Does that indicate that there were no 911 calls?

A No, this is strictly RIOT A recordings.

You're the 911 coordinator

too, right?

A Uh-huh.

: Do you know if there were 911 calls made?

A Oh, yeah.

: Like --

MS. ALIZADEH: I have those, yes. You didn't print out one of those 911 calls?

A I have made several different ones, I don't know if I made the 911 calls for you.

MS. ALIZADEH: Okay.

A To give you an idea, the traffic and our recorder is 120 channels. It is very tough just to say give me the calls pertaining to Ferguson. I couldn't sit there, it would take me two years to play every call and figure out what had to do with it. The ones that I made, here they are, you know, pick out what you want and let me know and I will try put them in order or go back and record just those incidents.

MS. ALIZADEH: I do have a disc that has 911 calls on it and, you know, there are some that have to do with this. I don't want to characterize them as they don't really help you with anything because I don't want to be the person, I don't want

that to be my judgment, but if you want to hear that, I have them.

A Just to give you an idea, they have their own 911 center. So if they call from landline, they are going to Ferguson.

So what the county took could have been cell calls that hit a tower facing, that is pointed to the county as opposed to Ferguson?

That's where I was going with that, I was just wondering if there were any 911 callers that witnessed something that did not come forward to be interviewed by anybody, anybody's doing that crosscheck?

MS. ALIZADEH: That would be a good question for Detective Wilson when he's going to come and testify close to the end. There are lots of leads that were followed up that went nowhere. He would be able to talk about those kind of things and so I don't want to characterize it and say, yea or nay. Any of those type of questions he would be the one to ask.

Anyone else?

MS. WHIRLEY: , did you have something?

: I did, I wanted to make

sure when testified earlier this week, he mentioned there were like 16 or 19 channels, something like that, that the police officers could be on. There were a number of channels that the police officers could be on and in my notes I put that there are five RIOT channels, there is dispatch channel, mutual aid channel, the point-to-point channel and some other channels.

So just because somebody may not be on here doesn't necessarily mean it might not be on another one of those channels?

A Correct. Some are receive only, it all goes back to like --

: Point-to-point is receive only.

A Hey, you're good.

: I know, thank you.

MS. ALIZADEH: I'm going to quiz you about DNA. Any other questions for this witness?

(End of the testimony of)

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Can you state your name, please, and spell it for the court reporter.

A .

Q All right. And, I'm going to stand back here because the microphone that's in front of you does not amplify your voice. So you're going to have to speak loud enough that I can hear you back here, then I know they can all hear you, okay?

A (Nods head.)

Q When I ask you questions, and you shook your head yes, because we're recording and the court reporter is taking it down, there is no way that gets recorded. So I might remind you if I ask you a question and you shake your head, I might say is that a yes, but if you can remember, try to say yes or no to answer the question so that he can take it

down, okay?
A Yes.
Q All right. How old are you?
A
Q Okay. And are you familiar with the Canfield Green Apartment Complex?
A Kind of, not really.
Q Okay. Do you live in the apartment complex?
A Yes.
Q How long have you lived in Canfield?
A
Q Okay. There is a map here, Grand Jury Exhibit Number 25, and it is an aerial view of some streets and apartment buildings that make up the Canfield Apartment Complex, okay. And if you look here, the street that cuts through the complex is Canfield Drive, okay?
A (Nods head.)
Q And if you were to drive this way, that's going west and West Florissant is out here, okay. And if you are driving this way down Canfield Drive and you are driving that way you're going into the Northwinds Apartment Complex, okay?
A (Nods head.)

Q Does that help kind of orient you to where you are?

A Yes.

Q Now, I don't want you to say your address because that's not necessary. But what I want you to do is use this laser pointer, do you see your building on there? Don't say it, but do you see it?

A Yes.

Q So this is a laser pointer. If you press this button, you know, it puts a red dot on the map.

So you don't have to say it, but the grand jurors can see it, where is the apartment that you live in?

A (Indicating.)

Q This one right here?

A (Nods head.)

Q Are you putting it on this unit right there?

A Right.

Q Okay. And so were you living there on August 9th of this year?

A Yes.

Q And do you recall anything special about that morning?

A No.

Q And who do you live with?
A My girlfriend and my daughter.
Q Do you recall how old is your daughter?
A She's
Q She's Your girlfriend, was she home that morning?
A Yes.
Q Was there anybody else in your apartment that morning?
A Her family.
Q Other adults?
A No.
Q Are they children?
A No, they are young adults.
Q Young adults?
A Right.
Q And so we've heard people talk about these apartments, these units have three levels to them, correct?
A Correct.
Q And what level do you live on?
A The second level.
Q Okay. And so when you, and we've also know from pictures and other people telling us, that each of these units has a front door and a sliding

glass door. And when you walk out, there's like a wooden balcony or wooden area, correct?

A (Nods head.)

Q There is an outdoor staircase that leads you, the upper floor down to the ground; is that right?

A Correct.

Q All right. And so do you remember something happening around noon on the 9th?

A Yes.

Q Okay. Where were you when something started to happen?

A On the staircase.

Q And so were you on the staircase outside of your apartment unit?

A Yes.

Q And were you walking down the stairs like you were going someplace?

A No, I was sitting there.

Q You were sitting there?

A Yes.

Q Were you with anybody?

A No.

Q And we also know from pictures that each, this is an overhang that covers the staircase from

rain and snow, correct?
A Correct.
Q And we also know that there is like a wall that is in front of that?
A Correct.
Q All right. So when you were on the staircase, could you see Canfield Drive from where you were?
A Yes.
Q Were you sitting or standing, do you recall?
A Sitting.
Q Okay. And so if this is, I'm just going to do a line in this direction. If I bisect Canfield at this point, could you see from this point west?
A Yes.
Q Could you see from this point east?
A Only so far.
Q And is it because this building blocked your view of some things?
A Yes.
Q And so if you are sitting outside your unit, you can probably see beyond this intersection of Canfield Drive and Canfield, well, this is like a

little loop around Canfield Drive, correct?

A That's correct.

Q But, for example, where this white car is in the map on the picture, which wasn't there that day, this image was not taken that day, but, for example, you wouldn't be able to see that far from where you were; is that right?

A No.

Q So what did you see that drew your attention?

A Well, there were two guys walking down the street in the middle of street and, uh, police car passed them, it stopped where they were and they had conversation or whatever, and so they continued walking and then the police car backed up to where they were and I guess had another conversation that led to an altercation.

After they had an altercation, one of the guys ran off and the other guy was still there, and then once he ran from the car, I seen the officer get out of his car and shoot in his direction, but that's all I seen.

Q Okay. So use the laser pointer and show us where the two boys were when you first saw them walking on Canfield?

A It was coming kind of going east.
Q When you first saw them where were they?
A Uh, when I first saw them?
Q Uh-huh.
A Approximately here. (indicating)
Q Okay. And you said they were walking in the middle of street?
A Yes.
Q From where you were sitting, could you tell who they were?
A No, I'm not familiar with anyone particularly.
Q How is your eyesight?
A Fair, fairly good. It is not excellent.
Q Do you have contacts or glasses?
A I'm supposed to wear glasses, but I don't.
Q So do you, if you need glasses, are they for reading or they for seeing distance?
A More reading, not distance.
Q Your eyesight for distance okay?
A Pretty good, but not too good.
Q How is your hearing?
A Fair to good.
Q Never been told that you have a loss of hearing or anything have you?

A No.
Q Okay. Um, so let me ask you this. When you were on the staircase at your residence, if you were to look too far west on Canfield Drive, would this building block your view?
A No.
Q And why not?
A Um, because the staircase is more out then the building.
Q Okay. So you said you saw them about this area and you can see them, this building didn't block your view from where you could see them from here?
A Yes.
Q Okay. Which direction were they walking? Were they walking into the complex?
A East.
Q East?
A Right.
Q So you said a police car came?
A Right.
Q A truck I think you said?
A Yeah, it was a truck, yes.
Q Was it like a pickup truck or SUV truck?
A SUV.

Q What color was it?
A White.
Q Did it have police markings on it?
A Yes.
Q Was it a Ferguson police truck?
A Yes.
Q And when it came down Canfield, what direction was it traveling?
A It was going west.
Q Was it going fast like it was going to a call or anything?
A No.
Q And how about lights and sirens?
A No.
Q And so you saw the officer's truck, could you see the officer inside the truck at this point?
A No, because he was driving west, it was the driver's side on the west.
Q So you are looking at the passenger side of the truck as it is going west?
A Correct.
Q And so when the truck stopped and you said there was a conversation between the boys and presumably an officer inside the truck, correct?
A Correct.

Q Could you hear what was being said?
A No.
Q All right. So are you saying there was a conversation just based upon what you saw?
A Right.
Q And then you said at some point the boys kept walking and the officer backed up. Did the officer proceed to move after?
A No.
Q He stayed there?
A Yes.
Q So the boys kept walking, were they still walking east?
A Yes.
Q And then you said the officer backed up?
A Right.
Q Was there anything unusual about the way he backed up?
A Kind of, because it was diagonal like to cut them off and at the same time still be, here he was in the middle of the road.
Q And you saw that, you saw him back up?
A Yes.
Q And did you tell, did he hit one of the boys?

A No, I don't think.
Q It didn't look like anybody got hit?
A No, it didn't look like it.
Q Did it appear like maybe somebody got their foot run over or anything?
A It could have been possible, but they was on the opposite side of me from the street from where I was.
Q Okay. So then you said at that point the officer is continuing to talk to the boys?
A Correct.
Q And you said there was an altercation?
A Yes, after backing up, the conversation could have lead to an altercation, or it could have been an altercation from when he backed up, I don't know.
Q So describe for us when you say that there was an altercation and you couldn't hear anything being said; is that right?
A No.
Q Could you hear voices?
A No, I seen the truck moving like they were having some type of altercation.
Q So from your vantage point, are you still looking at the passenger side of the truck?

A Yes.

Q Now, we know that the boy that was shot is Mike Brown, we know that now, correct?

A Correct.

Q You didn't know Mike Brown before that?

A No.

Q We know he was like 6'5", he is a tall guy. When he was standing on the other side, was he on the driver's side of the truck?

A Yes.

Q Could you see his head above the roof of the truck?

A No.

Q Okay. Could you tell what was going on at the truck?

A Not as good as I could see that the truck was rocking, but no, not inside of the truck, I couldn't see.

Q You couldn't see if anybody's hands were in or out of the truck or if somebody had ahold of somebody, could you see any of that?

A No.

Q Okay. And then so which one of those two, Michael Brown, let's just call him the bigger guy, and then there's another guy with him, was he

smaller?

A Yes.

Q Did you know that guy from before?

A No.

Q And so when the officer backed up and were both boys on the driver's side of the vehicle on the police car?

A Yes.

Q Could you see what the smaller boy was doing?

A He was like going forward still, he was like trying to get away from the altercation or what was going on with them. So he was walking forward a little bit.

Q When you say forward, was he walking east a little bit?

A East, yes.

Q Okay. And how about anybody else, did you see any other car, other people down there?

A Um, like initially when the police truck stopped, it wasn't a car, but then after the traffic started coming through, I remember seeing a white car because the second guy, when the first shot was fired, he ran and got behind the car. The altercation is still going on because Mike Brown

never left the truck.

So after that, I see Mike Brown run east and his flip flops fall off and then he keeps going past the building where I couldn't see him any more. So that's when I seen the officer get out of the truck and fire more shots.

Q So let's go back now to where Mike Brown is standing next to the truck. You said the shorter guy was kind of walking away from the ordeal?

A Right.

Q And then you said you heard a gunshot?

A Correct.

Q How many gunshots did you hear?

A It was maybe one, maybe two, I don't know.

Q And was this before the officer got out of truck or after?

A It was before he got out.

Q Okay. And so when you hear that gunshot, have you heard gunshots before?

A Yes.

Q Were you confused about what it was, did you ever think it was like fireworks or anything?

A No.

Q You recognized it as gunshots?

A Yes.

Q Or two gunshots?
A Yes.
Q Did you see Mike Brown do anything when those gunshots happened?
A The altercation was still going on, so he was still near the truck. After the shots go off, that's when I see him run, but other than that, no.
Q Okay. So when you see him run, what direction does he run?
A East.
Q And does he run in the street or does he go into the sidewalk or grass?
A In the street.
Q He stays in the street?
A Yes.
Q All right. And now you had mentioned that you saw his flip flops come off?
A Right.
Q And when you saw him run, could you tell at that point if he had been injured?
A No, because he was running like he was kind of skipping with his run. I didn't, I couldn't say that he was injured, no.
Q You didn't see any blood or anything on him?

A No.
Q Okay. And you said that he ran out of his flip flops?
A Correct.
Q It is hard to run in slide flip flops, right?
A Correct.
Q And so, obviously, he gets to a point where you can't see him any more?
A Correct.
Q And you said you see the officer get out of the vehicle, right?
A Correct.
Q Is it a man or a woman?
A It is a man.
Q Is he white, black, Hispanic?
A White.
Q And were there any other officers in the vehicle that got out?
A No.
Q Did you see any other police trucks at that point?
A No.
Q So he's by himself?
A Yes.

Q Is he in uniform?
A Yes.
Q Does he get out of the driver's side?
A Yes.
Q So when he first gets out, are you partially blocked because the car is between you and him?
A Yes.
Q All right. When he first gets out of the car, do you see the gun?
A No.
Q Prior to, when you heard the gunshots, did you ever see a gun?
A No.
Q And then you said the officer, I don't want to put words in your mouth, I can't remember what you said, he moves in the direction that Michael Brown ran, correct?
A He didn't move, once he hopped out of the vehicle, he looked in his direction, but he didn't go towards him. Like he shot, he came from behind the car and then he shot more.
Q Okay. So when the officer gets out of the car, you said that he looks in his direction. When you say his, are you talking --

A Mike Brown.

Q Okay. And at this point, had the littler guy already run behind the white car?

A Yes.

Q So he looks in his direction, and then does he fire before he starts moving or as he starts moving?

A Maybe as, but it was definitely he got out of the vehicle, it could have been as, or before he starts.

Q Okay. Now, at this point do you see a gun?

A Yes.

Q All right. So is it because he's got the gun held high or is it he's away from the vehicle so you can see his full body?

A He's not away as far as, he wasn't against it. It was like he was out from it because I was on the second level. So I could see the top of the vehicle, but I can't see like closer to the ground.

Q If you were closer to the car, the car would be blocking?

A Yeah.

Q He was away from the car a bit?

A Yes.

Q So did you see how he was holding the gun?
A He had it like police, you know.
Q With both hands?
A Yeah.
Q Were his arms out in front of him?
A Yeah.
Q Extended like that? (indicating)
A Yeah.
Q And you said that he fired a shot and at the time that he fired that shot, could you still see Mike Brown or had Mike Brown disappeared beyond?
A No, I can't see him any more.
Q So at that point you don't know what Mike Brown's doing?
A Right, correct.
Q And so you said how many shots did he fire at that point?
A Maybe four or five, I don't know.
Q So there's a series of shots?
A Yeah.
Q Is he moving while he's shooting?
A It is like he took a couple then moved and then he shot more.
Q So there is two series of shots?
A Correct.

Q And is there, if you can guesstimate, how long of a pause between the two series of shots?

A Maybe a second or two, I don't know.

Q And so you said there were four or five shots in that first series, I can't remember what you said.

A In the vehicle it was maybe one or two shots.

Q Okay.

A After the vehicle, he got out and maybe took two or three shots. I didn't expect the whole situation, so I wasn't counting on the bullets, so.

Q Sure.

A I was just listening and watching.

Q And I understand, and so I'm only asking you to give us your best guess, okay?

A Okay.

Q There's one or two shots while he's in the car, then he gets out, then you say he shoots again, but is it one shot out of the car or is it, is that the series of shots?

A Correct, that was the first of the series.

Q Okay. And so in that first series of shots, how many do you think?

A Maybe two or three.

Q Okay. And then there's like just a couple seconds pause?

A Yes.

Q And then there's another series of shots?

A Correct.

Q Can you see the officer the whole time he's shooting?

A Not the whole time, because after he does the first set of shots and then he runs in this direction east and then he fires more shots. And then I see him walking back towards my vision.

Q So at some point he disappears from your sight because of the building that's between the two of you?

A Correct.

Q And you hear more gunshots after that?

A Yes.

Q Okay. And then about how much time, if you can guesstimate, from when the shooting all stops until you see the officer again?

A Uh, maybe three seconds, four seconds.

Q And you said he's walking back towards his vehicle?

A Yes.

Q What does he look like?

A I can't say he's looking like he's walking.

Q Did you notice was there any blood on him?

A No. I think that he was like stumbling with his hand or something. I don't know. At the moment I had thought maybe he got hit or whatever altercation was or something, looking at his hand. I seen him do something with his hands.

Q Now, you've described that when you saw the officer holding the gun he was holding it with both hands, right?

A Yes.

Q So when he's walking back, do you see the gun when you see him walk back?

A Yes.

Q How is he holding it then?

A Uh, with one hand, I think he was, I don't know.

Q Was it in his hand or in his holster?

A I think it was in his hand.

Q In his hand. Do you remember if it was pointed at anybody?

A No, it wasn't.

Q Okay. And so do you remember which hand he was holding the gun in?

A No.
Q But you recall that he was doing something with his hand, was it the hand that didn't have the gun in?
A It didn't have the gun, right.
Q So you just made a motion with your hand like you would be shaking something off on your hand or shaking your hand, is that what you just kind of did?
A Right, yes.
Q But you didn't see any blood on his hand?
A No.
Q Or any blood on his uniform?
A No.
Q And to your knowledge, did anybody that was in your apartment that day see this?
A No.
Q Okay. So nobody else was out on the stairs with you the whole time that happened?
A No.
Q Did you ever go down, did you ever go down towards the street?
A Yes, after the incident took place.
Q Okay. After it happened, did you go down at that point or did you go back into your

apartment, or what did you do?

A See, while it was going on, some people in my house heard the shots. So my girlfriend came out and was like, what's somebody shooting for. And she was like, um, somebody shooting? I was telling her the situation and so she was like, is he dead? I was like, I don't know. Then she was looking at other people that was around, I guess they thought that he was dead. So we then walked down there and was like, and he was laying in the middle of the street.

Q Did you ever see the officer who shot him, did you ever see that officer go down by the body?

A Uh, no, I didn't see that.

Q How about did you ever see the officer's truck, did it ever move?

A No.

Q So after this happened and the police came, the truck stayed there?

A Yes.

Q What about the body, other than when eventually, which I know was a long time, but eventually it was removed, but did you ever see anybody try to move the body?

A No.

Q Okay. Did you ever hear the officer saying anything or yelling or anything like that?
A No.
Q How about did you ever hear anybody else, whether it was Mike Brown or the littler guy that was with him, did you hear anybody saying anything?
A No.
Q And when I ask that, I don't necessarily mean if you understood what was being said?
A I didn't hear anything.
Q You just didn't hear any voices or screaming or anything?
A No.
Q Okay. And so, obviously, a lot of police arrived after that; is that right?
A Yes.
Q And did you stay at the scene while the police were investigating?
A Yes.
Q You didn't go up to the police on that day and tell them that you saw part of that; is that right?
A No.
Q And eventually some FBI agents knocked on your door and asked if you had seen something and

you told them you did?

A Right.

Q And you made a statement to them; is that right?

A Yes.

Q Is there anything else that you saw that you think is important or that maybe I haven't asked you that, let me ask you this, did you ever see anything in Michael Brown's hands?

A No.

Q How about the littler guy, did you ever see him hold anything?

A No.

Q Did you ever see anything fall or drop, being dropped from somebody?

A No.

Q Um, did you ever see what became of the littler guy?

A Um, as the shooting is going on, like he hid behind the white car and then he tried to get in the white car, but then I guess they denied him. So he ran, I think, by then the officer was going towards Mike Brown. So he ran back behind the police car and ran behind right here and ran behind this building.

Q When you say he ran behind the police car, you said was facing west. Did he run in front of the car?

A I don't remember. I just know he ran behind the building.

Q Okay. And did you ever see him down at the scene later that day?

A Uh, no, I don't remember, no.

Q Have you ever talked to that skinnier or the littler boy about what you saw?

A No.

Q Do you remember when you were talking to the FBI agents, strike that, I misunderstood something, okay.

MS. ALIZADEH: Sheila, you have any questions?

MS. WHIRLEY: Just a few.

Q (By Ms. Whirley) I couldn't hear you as well, so if I ask you the same question again, forgive me, okay.

There was a scuffle, you said, at the car, correct?

A Correct.

Q And what could you see of the scuffle?

A Nothing but the vehicle rock.

Q But what now?
A Nothing but the vehicle rocking.
Q Okay. The vehicle, you couldn't see the hands of either Mike Brown or the officer?
A No.
Q Was the officer in the car alone?
A Yes.
Q You're sure of that?
A Yes.
Q Did you see any other police cars around?
A After the situation.
Q During the scuffle?
A No.
Q And from your viewpoint, were you looking at the passenger side or the driver's side of the police car?
A The passenger side.
Q So you were looking through the passenger side through?
A Correct.
Q You couldn't see hands or anything?
A No.
Q All right. You said that you heard a shot while they were scuffling, right?
A Correct.

Q And then did the scuffle continue after you heard the shot?
A Momentarily, yes.
Q Like how long?
A Um, maybe three to four, five seconds.
Q Okay. So when the shot first rang out, Michael Brown did not immediately run from the car?
A I don't think so, no.
Q I'm sorry?
A No, I don't think so.
Q Okay. Did you hear just one shot at the car?
A It was one or maybe two.
Q One or two, okay. So when Michael Brown ran from the car, he ran, show us with the pen again, or the pointer.
A East.
Q He ran east on Canfield?
A (Nods head.)
Q All right. And did the officer shoot at him while he was running?
A Correct. Well, I don't know if he shot at him while he was running. He ran enough past the building so I couldn't see whether or not he kept running or not.

Q Let me break it down a little bit. So when he ran from the car you could see him running from the car?

A (Nods head.)

Q What did the officer do?

A He was still in the truck getting out of the truck.

Q Did you see the officer get out of the truck?

A Yes.

Q When he got out of the truck, what was he doing?

A He faced his direction.

Q Faced the direction that Mike Brown was running?

A Yes.

Q Was Mike Brown's back to the officer?

A Yes.

Q Did he have his weapon or did you see a weapon at that time?

A As he was getting out of the truck, yeah.

Q Could you show us what it looked like when he was getting out of the truck? Pretend like that's a weapon.

A So Mike Brown is running this way, I guess

he was getting ready to run towards him, or whatever, I can't say the motions about.

Q But he had his weapon up?

A Not to say he got up pointing, I just know he got up and he was facing his direction. So I guess if he didn't get out like this, he got out, took a couple steps and then faced him.

Q Well, did you see the officer facing Mike's back with his weapon drawn?

A No, the officer was getting out of the car as Mike Brown was running. So once he got past the building where I couldn't see him no more, the officer is out of the car and then pointed in his direction.

Q When were you able to see the officer?

A Say that again?

. I do have a quick question. Right after the altercation, maybe during the altercation at the car, did you see a minivan pull into that parking lot right directly in front of where you had been sitting and someone get out of that minivan, or you see anybody pulling out of that lot during this time?

A I think somebody tried to come that way and turned around. I remember seeing the white car

turn around in the street, but.

: Someone coming from that direction, coming from West Florissant that pulled into that lot?

A I really can't say. I think it was a vehicle, I won't say that I know it was.

: This is . I have a question about what Sheila was asking. I want to make sure the first time after the police officer got out of the car, the first shots that were fired, you could not see Mike Brown at that time?

A Correct.

: So you don't know if his back was to the officer, you assume he was, he was running away?

A Right.

: You don't know for sure?

A Correct.

MS. ALIZADEH: Anyone else?

(End of the testimony of .)

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral

interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Sir, could you state your name and spell it for the court reporter?

A ,

.

Q And, sir, back in August of this year, were you living in the Canfield Green Apartment Complex?

A Yes.

Q And I am going to direct you to look at Grand Jury Exhibit Number 25, which is a map of the streets of the buildings that make up the Canfield Apartment Complex. Do you see your building that you lived in back then?

A Yes.

Q Can you use that laser pointer and point to where your building was?

A (Indicating.)

Q Okay. And so we heard some testimony that these buildings have three floors?

A Yes.

Q What floor were you on?

A The third floor.

Q Okay. And back on August 9th of this year, around the noon hour, do you recall what you were doing?

A I was in my room. I was, at the time, video texting.

Q Okay. So at the time were you living with anybody?

A Yes.

Q Was there anybody else home at the time?

A Yes.

Q When you were in your room, were you alone?

A Yes.

Q Okay. So now you said you are video texting, what program or what app are you using to do the video texting?

A Glide.

Q So for those of us who don't do that, were you doing it on your phone?

A On my phone, yes.

Q So you have like a smart phone?

A Yes.

Q That has a camera?

A Yes.

Q And so when you video text somebody, I

guess you can see their face and they can see your face while you are talking to them?

A Yes, it is delayed, I guess, it is delayed for the person receiving or sending, but it is almost like maybe a little bit delayed.

Q So when you are doing this, this video texting on Glide, is your phone recording what's being done?

A Yes.

Q Okay. And so right around noon of August 9th, you said you were video texting a friend and did you hear something?

A Yes.

Q And something unusual or something that was different?

A Yes.

Q What did you hear?

A I heard gunshots.

Q And so have you heard gunshots before?

A Yes.

Q So did you know that these were gunshots initially, or did you think it might have been something else?

A Um, living in Canfield, what I notice that these gunshots were a little bit louder than what

I'm used to hearing. It alerted me because I had a conversation with my roommate and she said, you know, she said , what was that. She called me , what's that, and then I said those sound like gunshots.

Q Okay. Now, did you later discover that you had actually recorded the gunshots while you were video texting your friend?

A I -- it did not, it did not. I wasn't thinking that I did, I was concentrating on sending my video, but I heard it in the background, but I was focused on talking to who I was talking to.

Q Okay. Now, you've seen that video again; is that right?

A Yes.

Q And can you, that's you in the video and your voice is heard in the video talking to somebody, right?

A Yes.

Q And you can hear some shots in the background?

A Yes.

Q Did you video, does your video capture all of the shots that you heard?

A No.

Q And were the shots that you didn't capture, were they before you started the video or after the video ends?

A Before.

Q Do you recall how many shots you heard before your video begins?

A Approximately two.

Q Okay. And then the recording starts and you hear more gunshots, correct?

A Yes.

Q And we'll play this now, but did the recording accurately record what you remember hearing?

A Yes.

Q Okay. Can you give the jurors an estimate as to the two that you heard before the ones happened that you recorded, was there a pause between those?

A There was a pause. There was a pause before when I started the video, the conversation I had was very short. I was just focusing, you know, video chat, I didn't have a long conversation. The other was just recorded as I was sending a video.

Q At some point you realized that you had this video; is that right?

A Yes.
Q And I believe you contacted attorneys first?
A Um, well, they contacted me.
Q Okay. And did they then contact law enforcement and you tell them that you had recorded these shots?
A Yes.
Q And you made, you talked to law enforcement and let them examine your phone and take the recording off your phone, correct?
A Correct.
Q Um, and this clip, this clip is just a matter of a few seconds long, is that fair to say?
A Yes.
Q Do you mind if we play it so that you can tell the grand jurors, yeah, that's me and that's my voice on the clip?
A Yeah, go ahead.
MS. WHIRLEY: What's that exhibit number?
(Grand Jury Exhibit Number 59 marked for identification.)
MS. ALIZADEH: This is Grand Jury Exhibit Number 59. Can you see okay?
A Yeah.

MS. ALIZADEH: We can listen to this as many times as you want.

(Playing the audio recording.)

MS. ALIZADEH: Just before we do that again, that was you on the video?

A Yes.

MS. ALIZADEH: And you can hear some gunshots in the background?

A Yes.

MS. ALIZADEH: You want to hear it again? Play that play again, turn it up a little bit.

(Playing of the video.)

MS. ALIZADEH: This video, you can play it as many times as you want, but in light of maybe letting him go and you all getting out of here today, I don't have any other questions for this witness. Sheila, do you have any questions for him?

MS. WHIRLEY: Just to make it clear that you did not tape or record the actual shooting of Mike Brown, did you?

A No.

MS. WHIRLEY: This recording that you made, it was unintentional; is that correct?

A Right.

MS. WHIRLEY: And the actual shooting of

him being shot and falling, you do not have that on videotape anywhere?

A No.

MS. WHIRLEY: Okay. That's all I have. Any questions?

(End of the testimony and end of Grand Jury Hearing Volume XIX.)

State of Missouri
SS.
County of St. Louis

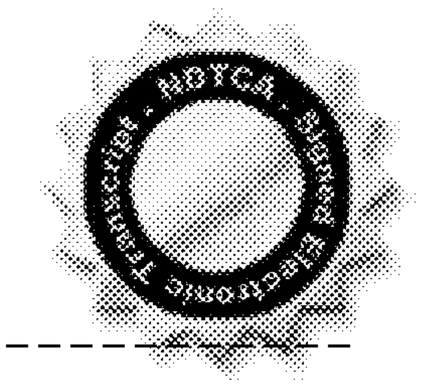
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The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me

reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

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State of Missouri v. Darren Wilson

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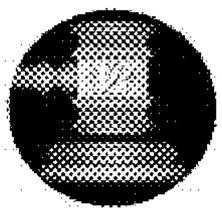
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Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume XX

Date: November 6, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

November 6, 2014

VOLUME XX

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 6th day of November, 2014, before .

APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

Assistant Prosecuting Attorneys for St. Louis County

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

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GRAND JURY HEARING VOLUME XX

MS. ALIZADEH: Good morning. It's Thursday, November 6th, 9:22 a.m. This is Kathi Alizadeh, present is also Sheila Whirley, all 12 grand jurors are present as is , the court reporter.

We had several minutes of discussion before going on the record this morning. A lot of it was to do with, some of it was to do with scheduling of what we thought we had is still left to do. And I hope I answered your questions about that.

There was also talk about some concerns for safety and we talked about that and I will get you some information that I promise to get you.

And then we also talked about some additional things that you all wanted us to try to obtain to help you with your decision. And Sheila has made a list of those things, so we'll get what we can and if we can't, we'll tell you why we can't get it.

So with that, we have our first witness today is going to be You have already heard from him, but he has some additional

information that he did not testify about when he was here previously that, of course, if you recall was I think the second day that you guys, might have been the second or third day that you guys were hearing evidence on this case. So I'll go get Dr.

,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Good morning. Can you state your name again and spell it for court reporter.

A My name Dr. . And that's

.

(Grand Jury Exhibit Number 5 marked for identification.)

Q (By Ms. Alizadeh) And, Dr. , thank you for coming back. I know we had you in grand jury several weeks ago and you were here for quite some time on the stand, and I don't think we're going to need to have you here quite as long today.

But I did mention to you that previously you had provided me with your most recent curriculum vitae. I had marked that Grand Jury Exhibit Number 5. I forgot about putting that on when he was here previously. So can you identify that as the CV that you gave me prior to your testimony earlier?

A Yes, this is the CV that I presented to you.

Q Okay. And I'm going to make copies of this for everybody. I, again, just kind of forgot about this. I will get copies for everybody of that.

Dr. we spoke last time about how when the body or the remains of Michael Brown were brought to the morgue and how he was in a, is it a body bag is what you call it?

A Yes, body bag.

Q And that was like at the crime scene by

A Correct.

Q And then it's, the body was placed into a drawer and then later removed by an employee of the medical examiner's office?

A Correct.

Q And who was that?

A .

Q And is he, how long has been an employee?

A I'm not sure, I don't know exactly.

Q And what does he do for the medical examiner?

A He's an autopsy technician and he's, he's responsible for one, helping me during my examinations. He's helpful for, you know, drawing any fluids I need for toxicology. He's helpful for weighing the body, checking in the body, and check the body for any type of personal belongings.

Q And you've already testified that when the body was received by the Medical Examiner's Office and eventually the body bag was unlocked and opened, that Michael Brown still had his clothes on him; is that correct?

A Correct.

Q His name is ?

A Yes.

Q And so did assist you during your autopsy of Michael Brown?

A Yes, he did.

Q In fact, does he appear in some of the photos that were taken during the autopsy as well as

some of the morgue photos?

A Yes, he does.

Q And you testified that it's procedure for someone such as to check the personal items that might be on the body, any body that is received by the medical examiner's, correct?

A That is correct.

Q And then once the personal items are removed, are they photographed?

A Yes, they are.

Q All right. So previously I had introduced or offered or identified for the grand jurors a packet of photographs which I marked as Number 9, which are, I call the morgue photos. Those are different than the photos that the police took during the autopsy; is that right?

A Correct.

Q Okay. And so I'm going to hand you a photo which was, is in the packet of Grand Jury Exhibit Number 9, and this is, on the back it says looks like, well, it says 039CD. I'm not sure if that's the JPEG number or not. But I'm going to just show you where I'm reading 039CD on the back there. And then I'm going to show you this photo. Does that look like, do you recognize that as one of

the photos that was taken?

A Yes, I do.

Q Okay. And the items in this photo would represent the items that were on the person of Michael Brown when it was received by the Medical Examiner?

A Yes, they are.

Q Now, this blue thing right here, was that --

A That's on the body bag that locks the zipper.

Q Is that placed in the photograph to further identify who these items belong to?

A Yes, it is.

Q And then there's a placard that says St. Louis County and a number beneath it?

A Yes, there is a number.

Q And I assume that was not on his person, correct?

A No, it is not.

Q And is this number the Medical Examiner's number?

A That's the Medical Examiner's number.

Q Okay. I will go ahead and put this on here, and I will pass it around too. But you see in

this photograph two, 5 dollar bills, two, looks like disposable lighters, some paper that has some writing on it, and then this item that you talked about right here. Is that the lock that came off of the body bag?

A Correct.

Q Okay. And this is your placard right here, correct?

A Yes, correct.

Q And this looks like part of a wrapper for something?

A Correct.

Q And then what is this item right here?

A Leafy green substance.

Q Okay. And these items were all found by on the body?

A Correct.

Q Now, Dr. you talked about when you were here previously that during your examination you looked at an injury or wound on the palm of the right hand of Michael Brown. Just, I can't remember how, is this --

A It is on the palm.

Q On the palm?

A It is the palmer surface on the hand.

Q Okay. Near the right thumb or thumb?
A Right, correct.
Q And you indicated or you testified last time that you thought that that looked suspicious for possible soot or something that you wanted to examine further?
A Correct.
Q And you also testified back then that you had cut a piece of that tissue off of the body for you to then later examine; is that right?
A Correct.
Q So I know you've already testified about that, but we, I want to go into a little more detail because since you were in grand jury, you've completed a report about your examination of that tissue, correct?
A Correct.
Q And so once you cut that tissue out because you and I talked about this in a little greater detail since you were here previously, once you cut that tissue out, what did you do with it?
A Okay. So anything that I have on the body that I'm concerned about that I would like to perform histology on, which I will get to in a second. I take that fresh tissue, I mean, it hasn't

been altered or anything, it hasn't been washed, it hasn't been manipulated. I take those pieces of tissue and I put them in a cassette. The cassette is simply a plastic chamber that holds the tissue so that it doesn't get lost or moves around and it stays positioned how it's put when I put it in the gray cassette.

From that point I take that gray cassette and I put it in another container and it is filled with a fluid called formalin. Formalin is simply a preservative that gets the tissue in a state of preservation where it can now be prepared for the next step of processing.

So when I took the piece of tissue off to put in a cassette and I put it in formalin for later processing, that's what I did initially.

Q So did you do with then, is it still in this cassette then?

A Yes, the tissue remains in that cassette in that fluid until it is transported to another facility where they will process the tissue.

Q Okay. And so where does the tissue go from there?

A So after it leaves my position at the St. Louis County Medical Examiner's Office, it is then

sent to the St. Louis University Medical School/Histology Department where it will be processed.

(Grand Jury Exhibit Number 75 marked for identification.)

Q (By Ms. Alizadeh) And I showed you this morning some photographs that I have put in an envelope marked Grand Jury Exhibit Number 75. And do you recognize what's in those photographs?

A Yes, I do recognize what is in these pictures.

Q And what are those pictures of?

A The pictures that I'm looking at right now are the samples of tissue that I took from Mr. Michael Brown's right hand that I put in that formalin liquid that I spoke with you earlier, transported it to the St. Louis Medical School for Histology and then it is processed. That tissue is then put in a wax to keep everything positioned and that's what I'm looking at right now.

Q Okay. So this is after the medical school has put the tissue in a wax?

A Correct.

Q And so you've seen this before?

A Yes.

Q Not only these photographs, but this would be how you would preserve and process any tissue sample that you might want to look at microscopically?

A Correct.

Q And so I'll just show you, this is image number one and again these, this box here, is that the cassette or is that a box?

A It could be either/or. It could be representative of the cassette or something else that they used.

Q So these reddish, beige-ish brown things inside, that's the actual tissue?

A Yes.

Q Okay. And these are numerous photos of the same tissue; is that correct?

A That is correct.

Q And there's a ruler next to the box that kind of gives you perspective on the size, correct?

A Correct.

Q Do you weigh these tissue at all?

A No, I do not.

Q Okay. And there's markings on the side of that box, did you make those markings?

A No, I did not.

Q You recognize these as the tissues that you had removed?

A Yes, I do.

Q Okay. And I just put on the overhead Grand Jury Exhibit Number 1 through 5 to show the grand jurors.

Now, we see this is a larger kind of tray, do you know what that is?

A It was just a tray for transportation purposes.

Q Okay. All right. So once the medical school histology lab places this tissue in paraffin, what does it do then to prepare it for examination?

A So after the tissue is put in that wax substance that you saw, that's the paraffin material, at that point, that block of tissue is now taken to be sliced with a microtone blade, which is a very sharp blade that slices very thin segments, about five micrometers, which is very thin, pieces of wax tissue with the tissue embedded.

That slice is then put on a glass slide and it is then counterstained by adding a pink solution and a purple solution. One is called eosin and the other is called hematoxylin. And then that slide now has been prepared where I can look at it

under my microscope and examine it at a histological level.

Q Did you ultimately receive some slides from the medical school that were actual, this tissue that you had removed from Michael Brown's right palm?

A Yes, I do.

Q Okay. Did you examine those slides under a microscope?

A Yes, I did.

Q And again, you've already testified about this, but I'm going to, did you take photographs of those slides as well?

A I did take some photographs of the slides.

Q Okay.

A Or representative photos of some of the pieces. It is not everything.

Q And you know, Dr. , I didn't have the opportunity to show you this this morning because by the time you got here, the grand jurors were already here. So I'm going to show you a photograph that's on Disc Number 79, Grand Jury Number 79, which actually just to tie things in, did you later time send some of those photographs and the actual slides to the Department of Defense

Medical Examiner for them to also examine?

A Yes, I did.

Q Okay. And we're going to hear from that doctor after we hear from you. Actually, just have to ask you if you recognize this picture?

A Yes, I do.

Q You recognize what you are seeing up there?

A Yes, I do.

Q And so is this a picture of what you would see in the microscope when you were examining that tissue?

A Yes.

Q And does this picture help you to explain to the grand jurors what you are looking at when you previously testified that you saw some particulate?

A Just to take a step back and just to preface again, this is just, there are a lot of pieces of tissue that you saw on that paraffin embedded block. So when you take a slice of that, all of those slices are represented on one slide.

So what you are looking at right now is just a small corner of one of those tissue fragments. So we are not looking at all of those slices at one time.

So this is merely just a corner or a piece of some of that tissue.

Q You can use this if you feel it will help you. It will pick up your voice.

A All right. So for histology, what I was telling you about the colors and the purple and the pink, once that waxed tissue is stained, it give us this pinkish color and some of these things here is the purple color. I spent a lot of time knowing what each thing is, I will just try to keep it as simple as possible.

So you are looking at the edge of the tissue and the tissue that I took was from that wound that I passed around and showed up before. I took little samples of those and those were represented in the paraffin block that I showed you. This is the histology.

So here, this is just regular, you know, normal tissue of the hand, this pinkish material, but here you can see these little darker areas, these little pigmented flakes, these are the foreign particulate matter that I was talking about that is not native to his hand. It had to be introduced into his hand from another source and that's some of those particulate matter that I was

talking about previously. Like that right there, that right there, that right there. (indicating)

As I said before, this is merely just a representation, there are other areas on this slide, but this is just a representative of some of that matter that I saw.

Q And so you have already testified that in your opinion those particulate, the particulate?

A Particulate matter.

Q Matter, that is consistent with soot?

A I would say it is consistent with products that are discharged from a firearm. What I was telling you guys before, there is lots of things that can come out of a firearm. Remember I was telling you guys talking about the primer, the primer on the cartridge is the combustible material that ignites that, then lights the gunpowder, which then propels the bullet. All of those substances together are kind of coming out of that barrel.

So the definition of soot is actually burned gunpowder. So there can be different types of things in there. You can have burned, you can have unburned, you probably could have primer, have lots of different types of materials.

For myself, a better way to say it is

this is just foreign particulate matter consistent with products that can be discharged from the firearm.

So soot could be in there, I mean, it's a lot of material.

Q Now, did you do any testing to determine if that is, in fact, product from a gunshot?

A No, I did not do any specific testing for that.

Q Do you do gunshot residue testing in your lab?

A In my area, I do not do that.

Q Okay. And, Dr. , could those black or darker particulate matters that we can see on that image on the slide, could that be dirt?

A In my personal opinion it is not.

Q Okay.

A But it is due to the circumstances and things that I know about in this case why I feel that that's not dirt.

Q And what would those circumstances be that you feel that it's not dirt?

A So, got to kind of follow me here, okay. When I get the body, I don't alter it, you know, I don't wash it, I don't do anything to it if there is

something of interest that I'm trying to see.

So in this particular situation when I look at some Michael Brown's hand there was kind of an area of discoloration in his thumb area on his right hand that I was concerned about that this could be some type of material discharged from a firearm.

To myself in looking at it, it is kind of like an experience thing, when I was looking at it, just the color of it, the nature of it, it didn't look like dirt to me. Specifically right near the wound, when I think about dirt, we have all been children or working on things that you have dirt, like dirt is all over your hands, it is not like in one little particular corner.

So essentially it was associated with that particular area and it just looked different to me. I did not think that this was dirt and that's why I decided to take the next step to look under the microscope to confirm what I was looking at through my eyes.

So that the next step was doing histology. So when I did this and I saw these little molecules here, the fact that they are very darkly pigmented, they are embedded in the tissue,

it is hard for dirt to introduce itself into tissue. Dirt usually sits on top of things, it doesn't get into things.

So the fact that this is in the tissue, that let's me know that it had to be introduced into the tissue and that is going to be more consistent with products that are going to be discharged from a firearm that would be able to insert itself or get itself into those tissue. So that's why I feel this is not dirt, and this is particulate matter from the discharge from the firearm, if that makes sense.

Q And, Dr. , we talked about the fact that, you know, you've already testified about what the immediate affects would have been to Michael Brown once the gunshot wound that entered the top of his head and traveled through his brain and exited out by his jawline, somewhere around there, that that was actually, would have immediately rendered him incapacitated?

A Right. And just to back up, the wound that was going to be the more incapacitating, you know, the one that actually went in the top of the head and stayed in, there was another one that came over the brow that came out of the face, but the one

that went in and stayed in, that's the one that was going to render him immediately unconscious.

Q And a person who was still perhaps on his feet who would receive that wound would immediately fall?

A Correct.

Q And would they be able to put their hand out to brace themself for a fall?

A No.

Q I don't know if you've seen those photographs at this time. These were images that were taken at the crime scene by Detective and they are contained in a packet that I've marked Grand Jury Exhibit Number 3. And I'm going to show you Image Number 70 through 75, which are pictures of Michael Brown at the crime scene. Can you see the hand area that you were looking at during your autopsy?

A Yes, I can.

Q And if you can look at various pictures because it might show different views of that. His right hand is alongside his body, a little out from the body, but his palm is facing upward in those photographs; is that right?

A That is correct.

Q So he's not, the injured area is not against the pavement?
A No, it is not.
Q All right.
MS. ALIZADEH: Does anybody want to look at these if I pass them around?
A And it is showing the hand is exposed to air and not the ground. So it is not touching the ground, it is touching the air. You should be able to see the darkened area on the skin, that's that wound of the hand that I testified about earlier.
Q (By Ms. Alizadeh) Thanks, you can have a seat.
Dr. , did you prepare a supplemental microscopic examination report regarding your findings after you examined the slides that were prepared by the medical school?
A Yes, I did.
(Grand Jury Exhibit Number 77 marked for identification.)
Q (By Ms. Alizadeh) And is Grand Jury Exhibit Number 77, is that a copy of your report?
A Yes, this is a copy of my report.
Q Okay. Just could you read that and interpret, I don't know, tell us what it says

because --

A I will try my best. So start from the very beginning, upper left-hand corner you have Michael Brown and then upper right-hand corner you have our case number 2014-5143, exam case. And then it is headed as Supplemental Microscopic Examination Report.

Then the next line is, Microscopic Slide Examination.

And then the next paragraph, that's where I start to begin to describe some of the particular features that I'm seeing on the slides that were prepared of Mr. Mike Brown's gunshot wound to the hand.

So starting with skin and muscle I say, sections of the tissue from the right hand show multiple fragments of skin and single fragment of skeletal muscle.

What I was telling you before there is all of those little bits of tissue there, there is different fragments there and then one of those pieces was a piece of muscle, but it is not represented on what you just saw there. That was just one of the pictures and there is lots of things to look at, but that's in totality what I'm looking

at.

So all of those fragments in that tissue block I looked at each individual one of them, every little corner under the microscope, so that is what that first sentence means.

Next, I say there is a darkly pigmented foreign particulate matter present on the superficial surface.

So that dark material that you guys saw, that is more in a deeper layer of the tissue, but on the top. Like if you think of the top of a cake, some of that similar type of material is sitting on the superficial, that means the top portion of some of those skin fragments.

And the stratum corneum, on your hand skin has different layers. On your palmer skin, you have a very thick layer called stratum corneum, it is kind of the more superficial layer of your skin. It is kind of like where your skin eventually sheds and it's kind of similar to what dandruff is. That is what the stratum corneum is.

So that particular layer there is pigmented material embedded within that superficial layer.

As I was telling you before,

something has to introduce or cause those little particles to get pushed into that particular area, and that's what I'm talking about right here.

Also embedded within the stratum corneum of the skin fragments. A mixture of pigmented and non-pigmented foreign particulate matter is present focally within the dermis.

So when I was showing you that previous picture, there was pigmented material, that was the darker material and there was some, some things a little white in there, kind of shiny, that's the non-pigmented material. So there is a spectrum of items within the skin and that pink area that I was showing you, that's the dermis.

So when you have skin, you have the stratum corneum, you have a granular layer, beneath that you start to get into your connective tissue layer of your skin, which is the next layer beneath and that's where you will kind of see pinkish tissue, that's the dermis.

So in the dermis, deeper into the tissue below the skin, you still have those little foreign particulate matter introduced into the tissue.

So some of the skin tissue fragments

within the skeletal muscle tissue fragment. So as I was telling you before, in all of those little pieces that I had there were different types of tissue, I had a piece of skeletal muscle. Skeletal muscle is even deeper than the skin, deeper than the dermis and the next layer will be muscle.

So deep in that tissue injury I took some muscle out too. The muscle that I looked at under the scope also had some of that foreign particulate matter. So this matter, this foreign material was getting embedded deep into the tissues.

Some of the non-pigmented particulate matter is polarizable. All that means is that when you polarize something, polarize means basically reflecting light. So there is some of the material that's in there is able to reflect light and some of the material doesn't. It is kind of a nonspecific thing, but it is important for me to describe everything that I'm seeing to let, you know, let people know that there is a mixture of things in here.

But some reflect light, some don't. The previously described particles of foreign particulate matter are consistent with the products that are discharged from a barrel of a firearm.

That last statement is simply meaning that the things that I'm seeing under the scope in my opinion are being introduced into the hand as foreign material coming from another source. And that other source, in my opinion, what I'm seeing is consistent with coming from the barrel of a firearm, not being dirt introduced from another place, but specifically coming from something else due to the nature of the particles, how they're distributed in the skin, where they are distributed in the skin, and how they got into those particular levels.

Q Dr. , you previously testified about how close the barrel or the muzzle or the end of the barrel of a firearm would need to be deposit those type of particulate or those products once the firearm is discharged.

Can you give us an estimate or a range as to how far away the barrel would have been?

A In my opinion, the range would be about 6 to 9 inches away.

Q Okay. Could, do you have a terminology that you use such as contact, close contact, medium range or something of that nature?

A I would say this is consistent with a close range wound.

Q Okay. Now, contact wound that would be with someone actually, the barrel could possibly be touching the skin; is that right?

A Correct.

Q Could you, if the barrel was touching the skin, would it look the same or different?

A It would look different.

Q Okay. And so, in your opinion, is it your opinion that the barrel of the gun was not touching the hand of Michael Brown if, in fact, one is to conclude that this is gunshot products from a gun?

A Correct.

Q That the actual barrel of the gun would not have been up against the hand?

A Correct.

Q Now, let's talk about one more finding that you made after you had testified previously. You were given something to examine that was described by our St. Louis County Crime Laboratory as skin or hardened nasal mucus?

A Correct.

Q Were you aware that the St. Louis County Lab had done a DNA analysis on that --

A Yes.

Q -- thing?

A Yes, I was aware.
Q Were you aware that they had concluded that, whatever that thing was, contained Michael Brown's DNA?
A Yes.
Q So was that thing given to you for you to examine to see if you could determine what it was?
A Yes, it was.
Q Okay. And what did you do with that thing in order to determine what it was?
A So as I described to you all previously with those tissue fragments from Mr. Michael Brown's hand, that process of taking the fresh tissue, putting it in the formalin, putting it in the cassettes, sending it to SLU for processing, getting it sliced out of the paraffin block, put it on the microscopic slide, getting it stained and then coming back to me on a glass slide. That whole process happened again with this extra piece of tissue that I was given to look at independently.
Q And when you looked at it, did you make any findings as to what that thing was?
A Yes, I did.
Q And what did you conclude that it was?
A I determined that it's a fragment of skin

associated with some connective tissue, that's just supportive tissue beneath the skin layer.

Q Can you tell where on the body that skin comes from?

A Um, not definitively.

Q Okay. Do you have an educated guess or in your medical opinion, do you suspect it comes from one place as opposed to another?

A Um, I guess I'll preface it with this. Within a skin sample, there's a variety of cellular elements meaning different types of cells that are present within our bodies and, um, at times there is a cell called melanocyte. It's our cell that's responsible for producing pigment.

That particular cell when it makes its pigment, it kind of gives it away to another cell type, which is called a keratinocyte. In this particular cell at the junction between the dermis where I was telling you guys that connective tissue layer is, it's at the bottom part of the legitimate skin layer.

These two cells are kind of in contact with each other and they communicate. So the melanocyte makes the pigment, gives it to the keratinocyte, which kind of absorbs it and then it

kind of allows skin to kind of display its pigmented characteristics.

And the particular sample that I received to look at independently, there are keratinocytes there, but they are not picking up a lot of pigment.

So in my personal opinion, this particular skin fragment has to be from an area of the skin that is not highly pigmented. There is a few places on the body, especially for someone whose skin is of a pigmented nature, where you can have a more likely pigmented type skin.

And I'd like to show you, if you look on the back side of my hand here, if I looked under a scope on a piece of my skin under the microscope, I would see more pigmented keratinocytes present, but on this side of my hand it is more lightly pigmented, they are not going to be as prominent or being as significant.

So saying all of that, the fact that that's specimen that I do have, there aren't a lot of pigmented keratinocytes. So I suppose that this fragment is coming from an area where the skin is lightly pigmented.

Q Okay. Such as the palm of the hand?

A Correct.
Q But you can't say definitively that that tissue comes from the palm of the hand of Michael Brown?
A Correct.
Q And did you prepare a report that documented those findings?
A Yes, I did.
Q Okay. And I will have to give you the marked copy.

(Grand Jury Exhibit Number 78 marked for identification.)

Q (By Ms. Alizadeh) I'm going to give you Grand Jury Exhibit Number 78. Is that a copy of your supplemental microscopic examination report regarding your examination of that, what we now know is skin tissue?
A Yes, it is.
Q And I'm going to put this up here as well so that jurors can look at it and follow along. Can you read from that report and then, you know, describe for them what you are talking about?
A Okay. So we'll just start from the very top on the upper left-hand corner. You have Michael Brown's name and then on the right-hand side you

have once again the examination 2014-5413. You have the heading, Supplemental Microscopic Examination Report.

Then you have Microscopic Slide Examination, and then you have the body of the paragraph where I preface by saying tissue fragment.

And then I say sections of the tissue fragment from the exterior surface of the police officer's motor vehicle. I say that because that's where I knew where it came from, so I'm just trying to give it a description so that if someone looks at this later on, this kind of identifies where I got the tissue from and also helps to remind me where it came from.

Are consistent with a fragment of skin overlying soft tissue and then I put in parentheses connective tissue. So when I'm looking at this particular fragment there is characteristics of cutaneous skin that let me know histologically that it is skin as opposed to something mucosal. When I say mucosal, like the inner side of your lip, that's an epithelial surface, meaning the outer layer of cells that surfaces a lining, but it is a different type of tissue being that it is mucosal.

The difference between mucosal and

actual true skin, there's something called a granular layer. On the histology, and when I was talking about like the stratum corneum, you have the granular layer and you have another layer, you have a basilar layer. All of these things are kind of in a continuum.

A granular layer is specific to skin that's on the outside of a body, it is not mucosal. So this particular fragment that I'm looking at has a granular layer.

Since I see that, that let's me know that it is definitely exterior skin and that's how I know it's skin. And then the next part where it says overlying soft connective, the skin surface sits like on the level and beneath that you have a supporting layer of tissue. The supporting layer of tissue is this connective tissue layer that I'm talking about here.

Then I say there are features of desiccation/drying artifact. This particular piece of tissue that I had that was, you know, was sitting outside on a car door for an extended period of time before, let me back up.

Before I got a chance to put it in formalin, it has been exposed to air, other type of

things that can cause it to dry out, that's all desiccation means. It is kind of an artifactual change of it drying out, not being put in preservative, that would kind of halt or stop that process.

So for an extended period of time, I don't know how long it took before it got to me, but those features are there, it is hardened, it dried. I can appreciate those changes under the microscope. Those changes under the microscope look like little circles or kind of like pockets of air, kind of looks like swish cheese, in a way to think how the little pockets of swish cheese are. That's cause the tissue has kind of been affected by these drying changes and causes that artifactual change on my slides, so that's what I'm talking about right there.

Then I say there is a granular layer present within the upper layer of the stratified squamous epithelium.

So that granular layer that I just spoke to you about, that's how I definitively know that this is a skin sample from the outer surface of the body skin surface.

And the stratified squamous

epithelium is just how I as a pathologist describe this particular type of skin set. There is different types, but this particular type that you have on your skin is known as stratified squamous epithelium, so it is just a name.

So focally, lightly pigmented keratinocytes are present within the basal layer of the stratified squamous epithelium.

So that's just going back to what I was telling you before, you have that relationship between the melanocytes, who are responsible for making pigment. They give that pigment up to this keratinocyte, who holds onto it and eventually over time, you know, they will migrate up and disappear.

But this particular cell type is not, it is present, but it is not overly pigmented. So it was important for me to describe that to maybe suggest potentially where this piece of tissue may have come from and that's what I'm saying in essence.

Q Okay. I'm not even going to try to summarize that because I can't pronounce half the things you just said. I'm passing out copies of your two supplemental reports to the grand jurors and at this time I don't believe I have any other

questions.

MS. ALIZADEH: Sheila, do you have any questions for Dr. ?

Q (By Ms. Whirley) Hi, Dr. .

A Hi, how you doing.

Q Are you able to tell regarding the handle, how the injury occurred. For instance, whether he was grabbing the gun, shot went off and hurt his hand or if he was trying to block the weapon or stop him from shooting him, can you give any insight into that?

A No, I cannot.

Q Why is that?

A Due to the nature of the wound, really all the information in my report is saying is that it is helping me with a distance. How far away this gun was discharged when this wound was generated. So other than the fact knowing it is a tangential graze wound and it is a wound of close range, I can't say any more about it because the information that I have, that's all it is telling me.

. I thought before, if you could remind us, do you know the direction in which the wound, the gunshot would have entered?

A So when I was telling you guys before there's, when you get, not all the time, but with graze wounds you can get injury called skin tags or you get these little projections of tissue that point a particular way.

So in a situation for Mr. Michael Brown, the skin tags were going in an upward, let me back up. When I do my diagram, it is like this, anatomical position, you are like this. So with his wound --

MS. ALIZADEH: Would this help? This is a picture that I am using, which was taken during the autopsy and it is in the packet of Grand Jury Exhibit Number 7, and it is Image Number 49. If it is easier, you want me to turn the lights down?

A Yeah. The tips of Mr. Michael Brown's fingers will be out here. That's my hand manipulating his hand. So those skin tags I'm talking about kind of look like little shark teeth, these are the little skin tags I'm talking about. These tags are pointing this direction, they're point that way.

So the barrel of the gun points towards the tags.

MS. ALIZADEH: So let me do this. I'm

using my hand as a gun. So would the barrel be in this --

A The barrel is in that position and the bullet is going in that path just like that, that's the way it is going. (indicating)

So when I put it on a body diagram, I'm like this. It's going in an upwards fashion. It doesn't mean it is going upwards, but that's the way that I have to present it to give a reference point of the injuries on a body diagram.

But what it is saying in realtime is the hand can be positioned in all kind of fashions, but that gun barrel is going to have to stay like that. It has to be coming in a fashion like this. It can't change, it can't start coming this way, it can't. It has to always be in relationship like this. (indicating)

Where the hand could have been like that generating the wound, the hand could have been like this generating the wound, and it could have been like this generating the wound, but they have to stay in this locked position, that's the only way it can be. (indicating)

: How long from the first examination to the further examination that you did,

how long of a time was it that you got those samples? You said you put them in a preservative liquid.

A Uh-huh.

Was there any deterioration or anything from the time when you received it until you did the second examination?

A So in terms of processing that tissue, so I did the examination on August 10th. I immediately took samples, I cut little pieces out with scissors from kind of randomly around this area where it is kind of discolored. That's the area that I'm most suspicious for, concern for, for some type of particular matter or deposition of foreign material.

I cut those out and immediately put them in preservative solution of the formalin as soon as I took them off that day.

: Okay.

A Once they go in that solution, no more desiccation, nor more changing, nothing else is going to happen to it with the histology that I did of this wound.

That other tissue didn't get a chance to go into formalin immediately. I don't know where it sat, it could have been in a cooler or an air

room temperature room, I don't know, but it didn't get into formalin until I got it until weeks later after the event occurred when it was given to me.

: That couldn't affect the way the particulates appear?

A Just to make sure we are talking about the same specimen. For the things that I took here, once I put those into the solution, they are going to be preserved and nothing is going to be altered.

: Okay. That was the other thing, wasn't it, I'm sorry.

A So once it goes into that tissue, I'm sorry, once it goes into that liquid, then goes to my histology lab and then, you know, through a series of steps before it gets put in that wax.

: So the tissue you got from the hand was preserved right away?

A Correct.

: I just want to clarify because I understand you said it was sent to the medical school histology department?

A Correct.

: But those are not students examining those?

A No.

: They are present, but they are not the ones in charge, they could be present.

A To my knowledge there's no medical students affiliated with that laboratory.

: They are done at a professional level?

A They are done by technicians who are certified to do that type of work.

Okay. You said that dirt doesn't embed the way the soot would. I'm going to say soot, I know you can't verify that. I'm just going to call it that for right now. I know that we see that the hand, the hand palm is upright. Michael was almost 300 pounds and when he fell, could his hand have hit and moved and embedded dirt in there. Is there any way that that could be mistaken for dirt in your professional opinion?

A I don't think so.

Okay.

A And it goes back to the situation.

: Your experience and everything like you said?

A I'm looking at it in totality.

: One more, I'm sorry.

A No problem.

: You said that you could tell that his hand wasn't on the barrel of the gun?

A Yeah, I can't determine that though. You don't know that it was or you know that it wasn't?

A On the information on my report, the information on my report is saying it is kind of a thing of static time.

: Okay.

A Having the presence of that material, seeing that it is a graze wound, the way that things are pointing, putting all of those things together, I know it is a close range wound.

: Okay.

A That's all that it is saying. It doesn't help me to say when it happened.

: Or even how for?

A I have a how far. It is about 6 to 9 inches when that wound was generated. But you cannot tell?

A I don't know where in the process, like I said, I can't put an opinion on did he have it and he pulled away, then something happened or was he going towards it and something happened, I can't

even talk about that component of things. All I can say is that his hand was about 6 to 9 inches away when that gun went off.

Okay.

A That's all that I can say.

Thank you so much.

MS. ALIZADEH: And just let me clarify too, the tissue that was on the side of the police vehicle, did you see any of the particulate matter in that sample?

A No, I did not.

MS. ALIZADEH: When you examine the right hand and in particular the palm of Michael Brown and not just the wound, but the entire palm, did you see any dirt or debris on his, on the palm of his hand.

A When I examined, the only area of discoloration that I was concerned of being something, I guess, not native to his hand was right here in this region. The rest of his hand is clean. You can see it is a normal palmer hand except when you get into this area associated with the wound.

: I do want to reiterate something that you said. You can't tell from this whether he was pulling away or going toward?

A No.

: You can only tell the direction of the discharge of the gun?

A That's correct.

He could very well have been pulling away to leave?

A He could of, but I can't make a statement to that.

: I'm done, I promise.

A The information I have does not help me with determining that scenario definitively.

When you do, did you obtain the specimen for just leaving for toxicology.

A Uh-huh.

: We have the toxicology and blood and urine, we don't have anything about the liver and brain. Do you know if it is negative or what?

A With toxicology?

MS. ALIZADEH: You can sit if you want.

A I don't know if I have to move or something.

MS. ALIZADEH: You can get up if you want to again.

A With toxicology, you kind of have some

flexibility in what you want to take, but standard specimens that I take on a full examination pretty much every time I always take some type of blood, I try to preface where it is coming from. I take urine and I also take vitreous fluids, which is fluid from the eyes, and I take liver and I take brain.

I have to specifically tell the tox lab to test the brain and the liver if I'm concerned or worried about substances being in those organs. So for this particular case, the substances that were generated were active and metabolites of marijuana.

Those particular things are found in the blood and it is not necessary to correlate them to the brain or the liver. The blood samples are going to give an accurate representation of the levels that were in his body at the time of his death.

So submitting the brain and the liver is unnecessary.

: Okay.

A

: And I congratulate you.

You do an excellent job and you were very clear in everything that you explain, everybody could understand that perfectly. I congratulate you, you are a very good professor.

A Thank you.

MS. ALIZADEH: , I don't know if I understood it, but you guys are probably smarter than me. I can't say half the things, the words, I can't pronounce them.

Anybody else?

Did you do any measurements from like, from shoulder to shoulder, like the width or maybe from torso to torso?

A No, I did not.

. I know we went over this in your other visit about the other shots and it is very hard to tell, especially on the arm where things may have come in or come out, but just in your experience, is there anything or anywhere where you think this bullet may have traveled, I have no idea where it may have grazed somewhere else or may have entered somewhere else on his body?

A In what you just said it's always a

possibility that, you know, it is conceivable. It is possible that the hand is in a certain position when something goes off. We know it is a graze wound, it didn't stay, so it had to go someplace. Could it have went into the door? Could it have reentered another area on his body? Could it have just went out into another place in space? All of those things are reasonable and I can't definitively say because I wasn't there to actually see the positioning of how the body was when it happened.

It's possible, there is a multitude of ways that the bullet could have traveled after it struck the skin.

: Thank you.

. When I look at that wound, it looks to me there is a lot of tissue missing yet only one small piece of tissue was recovered. Is that maybe an illusion there is not a lot of tissue missing, more like where it opens up you could put it back?

A That's a possible thing where it is kind of more like filet and just kind of split open. It's tracking deep, muscle is more, I guess, firm for lack of a better word. So the more firm, the more it is going to kind of split. It is taking

more forces to kind of pry it open.

So it is hard to say that something, pieces get scattered around or whatnot, but from what you can see, there is definitely a track traveling through deeper into that muscle that you have.

You feel your thumb right there, that firmness right there, that muscle is being exposed to the environment due to the tracking of that graze wound superficially over the skin.

: Could I conclude that hand was not inside the vehicle?

A You can't.

There would have been more matter?

A Looking at the wound you can't determine where the hand was positioned in space. It could have been in the car, it could have been outside the car, you can't.

: I guess no tissue was recovered in the car, that's what I was after, would there be a lot of tissue?

A And not necessarily. It is like, you know if you try to squeeze it back, it will re-approximate pretty good. It is something came in

between it and pushed things to the side. It is just open like that because the muscle, that's just what muscle kind of does once it gets hit. Because your muscles are in a bundle, it is like a fascicle. You have tissue that kind of holds them together.

So when you injure that, they just kind of fall out. So that is going to make a wound that may not necessarily be, you have a little small bullet, but it goes through and filets that stuffs open, the integrity of the tissue elements has been disrupted. So now things are going to be able to kind of flop out. You no longer have the skin holding things together, you don't have connective tissue holding muscle together, that stuff's disrupted, it is going to flop open.

I'm also too, I'm putting traction on the hand too, and that's going to help to expose it more. You can see me pulling on his thumb, I mean your hand, your hand kind of just rest like this, I'm stretching it out like that. So that could make things look more dramatic than they really are.

: One more question,

. But the mucusy substance found on the door outside the vehicle --

A It is not mucus.

That's the way it was presented to us at the beginning, that's why I refer to it that way. It is consistent, you found it to be consistent with this part of the hand probably?

A It could be. I don't know definitively.

: Right. But the pigmentation, the keratin that's in here is consistent with either something with a lighter tone skin, it wouldn't be from this part of the hand and the arm?

A Right.

: It could be here or back here or the foot or whatever?

A It needs to be a lightly pigmented area.

: That's the one that was affected?

A That's the best spot I got, but I don't know exactly where it came from. There is no test I can do that says this is hands, this came from the hand, you know.

: I understand. I wasn't trying to lock you into corner there.

. Pretty scientific, seems like here's a little bit of art, different backgrounds trying to figure out what the

evidence is telling you. With that being said, obviously, going to hear from the federal, I guess, medical examiner?

A Yes.

: What are your expectations across multiple medical examiners should we expect all of those reports be primarily very much the same or major parts would be the same?

MS. ALIZADEH: Can I hold off right now on his answer, we have a juror that needs to use the restroom. Anybody need to go? I don't want to stop it.

(Recess)

MS. ALIZADEH: We took a quick break. This is Kathi Alizadeh, Sheila Whirley's present, all 12 grand jurors. We just took like less than a five minute break for a couple bathroom breaks.

Dr. is still testifying

Dr. , you are still under oath, of course. And then the court reporter, , is taking down and recording what is being said and had posed a question to Dr. . Do you have anything, did I interrupt your question or were you done with that?

Okay. Mr. , do you recall his

question?

A Yes, I recall his question and it is a good question. Um, you know, I guess in my, I have to be honest with you guys, I have never been in a experience like this before. I've only been doing my craft, I guess on my own, for a little over two years. I haven't been involved in any really high profile cases. This is my second time coming to a grand jury, so this is all, you know, kind of new for me and I will always be learning throughout my life dealing with experiences and whatnot.

But in terms of having people come behind me to do an autopsy after I did it? When I initially first started out on this, I didn't know it could become what it is going to become. I was just working. That Sunday was my day to work. I got my caseload, things I was going to do that day. And I approach all my cases the same way every time based off of the training that I got and I just approach them the same way every time.

I don't, you know, if there is little special things I'm concerned about. I pursue those, I do that, but I usually have the same approach every time.

So knowing that someone is going to

come behind me, I've never had people come behind me before. I was a little nervous about it, but I know that I approach this in a logical fashion and I wouldn't have done anything different.

So that being said, when people come behind you, the work that we do at the end of the day it is an opinion. There can be a difference of opinion, but as long as, you know, everyone, once everything is documented, you know, when someone says this is an end, this is an out. You know, this is an entrance wound, this is an exit wound. Well, this looks close range, blah, blah, blah.

Once you get all of that kind of down on the table, you get all the facts out there, then at that point people start to say well, okay, this is what I think this is.

Will somebody potentially look at my slides and say, oh, that's dirt, they can. But you have to understand is you have to, you can't look at these things in a vacuum, you know.

Each piece is important for me not physically being there, I have the body, I have the evidence, I have to have all of these things to be able to generate my opinion. I think you have to look at everything in totality. You can't just take

a snapshot. You can do my job and do it in a vacuum and some come up with all kind of conclusions, but what you have to do is you have to look at everything and then you have to look at the person who was telling you, I mean, if the person is credible to you and like I say, I'm not here promoting one thing or another, I'm just speaking to the things that I observed. And for lack of a better term, regurgitating them back out with my level of medical training to try to make sense of everything.

People can come in and say whatever they want to say for whatever their agenda is and I think people need to be aware of that.

MS. ALIZADEH: That brings up some good points that I wanted to maybe clarify with you.

Have you, Doctor, ever performed a second autopsy?

A No, I have not.

Q (By Ms. Alizadeh) And you said you've never had anybody perform a second autopsy after you?

A No.

Q Are you aware of what the proper protocol would be if a second autopsy would be performed

regarding what that second doctor may need in order to complete his findings, do you know? I don't want you to guess.

A I have personal feelings about it what you may need, but I don't know is there a standard protocol, what someone is supposed to get when they do a second autopsy, I do not know the exact answer to that.

Q Okay. So in your profession in your job, you were tasked with examining the body and determining the manner of death, the cause of death, and documenting and describing any defects or wounds of the body and testifying perhaps about the affects of those wounds and preparing a report which you did in this case?

A Correct.

Q Now, you just said that when you went in on the 10th to do this autopsy, you approached this in the same manner that you would any autopsy that you are going to do; is that right?

A Correct.

Q You didn't do this any differently because it was Michael Brown?

A No, I did not.

Q Did you even know at that time you had

just said, you didn't know that this would become what it has become?

A No, I did not.

Q And are you familiar with Dr. , do you know him?

A Yes, I do.

Q Do you have an opinion as to whether or not he is a reputable or respected pathologist?

A I have no comment.

Q Okay. How about have you seen a report from Dr. ?

A I have not seen a report from him on this case.

Q And now you're aware that there was a third autopsy done; is that right?

A Yes, I am.

Q That was done by Medical Examiners with the Department of Defense?

A Correct.

Q And you are aware that one of those doctors was Major , go you not?

A Yes, I am.

Q Now, prior to this case, had you ever heard of Dr.

A No, I have not.

Q And you have since met him; is that right?
A Yes, I have.
Q When you met him, was it in relation to this case?
A Yes.
Q Okay. And have you seen his report?
A No, I have not.
Q Okay. So you can't today testify to any other findings by other professionals, correct?
A Correct.
Q But you do recognize that very competent and reputable experts may differ in their opinions?
A Correct.
Q And you've testified just regarding your opinion in this?
A Correct.
Q All right. And we'll hear from Dr. and hopefully Dr. in the future.

In order to do the things that I told you, you are tasked with doing in this case so that you testified, did you have to examine Officer Wilson's vehicle?
A No.
Q Did you do that?
A No.

Q Did you have to see the crime scene photos?

A I've seen them, but they weren't necessary to do my autopsy.

Q Okay. Did you see them after you had performed the autopsy?

A Yes.

Q Did you see them after you prepared your report?

A Yes.

Q Okay. Um, how about the medical records of police officer Darren Wilson, did you need to see those in order for you to form an opinion?

A No.

Q And how about the clothing of Officer Darren Wilson, did you need to see those things in order for you to form your opinions?

A No.

Q What about, now, of course you had the clothing of Michael Brown; is that correct?

A I don't have it, but I saw it at the time of the autopsy and then I gave it over to the St. Louis County Police Department as evidence.

Q And would it be, in your opinion, was it helpful to have the clothing to at least see perhaps

if there were defects or holes in the clothing that would correspond with injuries?

A Yes.

Q Was there anything, so you have the body of Michael Brown, you have the clothing of Michael Brown you, of course, did not have the toxicology results when you did your report?

A Correct.

Q And was there anything else that you had that you relied upon in making your reports?

A The x-rays.

Q X-rays of the body, correct. And we have those on a disc that we didn't show those to you, but I indicated if you needed to see them or ask any questions about them they would be available.

Anything else that you needed to form your ultimate conclusions?

A No.

Q Is there anything that you didn't have you wish you'd had?

A At this particular time, no, I can't think of anything.

Q What about the gun of Officer Wilson, the gun that was used in the shooting, did you need to have that or examine that to make your findings?

A No.

MS. ALIZADEH: Sheila, anyone else?

MS. WHIRLEY: No.

After you completed your autopsy of Michael Brown, and then we find out that there was going to be a second autopsy done, do you know how soon after you completed your autopsy was that second autopsy by Dr. done, do you know the timeframe?

A No, that was not shared with me.

Okay. Before you released the body from your office.

A Uh-huh.

: Is the body cleaned in any way.

A I mean --

: Do you wash it down like with distilled or stabilized water.

A The autopsy technician, like I said, doing the autopsy is not a totally clean process. You don't want to have blood all over the place from point of health hazards and visually esthetic purposes, it just doesn't look good.

With water, the body is washed also so it is not all bloody and things of that nature.

Okay. And this is just from a personal question.

A No problem.

okay and usually if I bet on something, I know pretty darn sure that what I know is right.

A Gotcha.

: Going from what you know that you've done in this autopsy and from your experience, like would you bet, I'm not going to say bet your life, but would you bet your bottom dollar that you are 100 percent correct about your finding?

A I stand by my report 100 percent.

: You said you know Dr. ?

A I know of him.

: You never worked with him?

A I don't know him, I know of him, I know who he is.

: Okay.

: . On the case examine, I notice that on Michael Brown's lower extremity there were several scars on his knee and on his lower left leg.

A Yeah.

: Was there any damage to his lower extremities that was recent?

A No.

: Nothing consistent with his foot being ran over?

A No.

: , I'm sorry. When you say you wash the body, you don't like scrub it or any use any soap or anything, it is just water?

A Water and a rag.

: So you can get a good view of what's going on?

A Yeah.

MS. ALIZADEH: In fact, I think, Dr. , if you recall from your previous testimony there's a series of photos that are taken before the body is washed and then there's a series of photos taken afterwards, and in cleaning parts of the body, is that so you can visualize the wounds and see what you are looking at?

A Correct.

Q (By Ms. Alizadeh) And if something is maybe dried blood that washes away and it is not

actually an injury or wound?

A Correct.

Q Okay. And just also to clarify when you did your autopsy, the body of Michael Brown had not been embalmed or touched by a funeral director or anyone else, it came from the crime scene to be placed in a locked bagged and then delivered directly to your offices?

A Correct.

MS. ALIZADEH: Any other questions?

(End of the testimony of Dr. .)

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Could you state your name and spell for the court reporter?

A Sure. .

Q What do you do, sir?

A I'm a forensic pathologist in the

military.

Q And prior to your testimony, did I ask you to send a copy of your current curriculum vitae?

A Yes, ma'am.

(Grand Jury Exhibit Number 80 marked for identification.)

Q (By Ms. Alizadeh) I'm going to hand you what I've marked as Grand Jury Exhibit Number 80, is that what you sent me?

A It is.

Q And I'm going to pass this out, but I'm also going to ask you to testify a little bit about your educational background.

Tell me, starting with college, your degree in college and where you went from there?

A I graduated from LaSalle University with a bachelor's degree in biology back in 2003 and then I went to Georgetown University School of Medicine in Washington and graduated in 2007 with a medical degree. From there I went to the University of North Carolina in Chapel Hill and spent five years there completing residency and forensic pathology training.

Q And we've already heard from Dr. about the science of forensic pathology, how long

have you have been working as a forensic pathologist?

A I finished my fellowship in 2012. I have been employed with the Armed Forces Medical Examiner System out of Dover Air Force Base since then. So A little over two years as a practicing forensic pathologist.

Q So you are employed by the military, is in, what branch of the military?

A The Air Force.

Q And are you a commissioned officer in the Air Force?

A Yes, ma'am. I hold the rank of major.

Q And so today, would you prefer I call you or would you prefer to go by Dr. ?

A Dr. is fine.

Q All right. And so Dr. , in your duties and responsibilities as a forensic, are you a forensic pathology?

A Yes, ma'am.

Q Are you a board certified forensic pathologist?

A I'm board certified in anatomic and clinical pathology, as well as forensic pathology.

Q And so in your job with the military, do you perform autopsies?

A Yes, ma'am.

Q And do you perform autopsies and then prepare reports regarding your findings?

A Yes.

Q And have you testified in court regarding your findings after performing autopsies?

A Yes, I have.

Q And so in relation to this case, you know that you are here because you performed an autopsy on the remains of Michael Brown, correct?

A Correct.

Q When were you contacted, approximately, in order, when did you first learn that you were being asked to perform for an autopsy?

A I believe August 18th was the day that we performed the autopsy, I know that. I think that was a Monday. I don't recall specifically, but I remember getting a call when I was at home from my boss. It was probably Sunday, the day before.

Q Okay. And what did your boss tell you about what you were being asked to do?

A Well, he said that the Department of Justice was making a special request from the

Department of Defense to perform an independent and non-biased autopsy on a civilian that had died in St. Louis.

Q So was it unusual for you to perform an autopsy on civilians?

A I would not say it is unusual for me to do autopsies on civilians. We perform autopsies on anyone that dies in federal jurisdictions as long as it's a medical examiner's case. If there's a civilian on a federal installation, we will be responsible for performing that post-mortem examination.

Q So, for example, a serviceman, serviceman who maybe lives on base, his child dies and there is a need for an autopsy?

A That is correct.

Q That's a civilian, correct?

A Correct.

Q Someone who may be, would be shot during a bank robbery, that would be a federal case, but that wouldn't necessarily be military, involved?

A Correct.

Q Okay. And so, so you were told that you were be requested by the Department of Justice to perform an independent and unbiased autopsy, is that

right?
A Correct.
Q Were you are told that the body had already been autopsy previous?
A Yes, I was.
Q And did you, were you told that it had been autopsy twice?
A Definitively it had been autopsy at least once before by the St. Louis County Medical Examiner's Office. There was some rumor at the time that a second independent autopsy had been performed, but we weren't sure at that time.
Q Now, did, when you were notified about this, did they tell you who you were going to be autopsying?
A At that time the name was given to me over the phone.
Q Did they tell you it was going to be the body of Michael Brown?
A They did.
Q And on August 18th, had you ever heard of Michael Brown?
A In fact, I was ignorant. I'm not sure why I hadn't been watching media on this. I know there was a lot of coverage that I know now, at the time

this was the first I was hearing of it at that phone conversation that Sunday.

Q So you had not viewed or at least had not made any connection between the media coverage regarding the shooting death of Michael Brown and the allegations that are being and were being made at the time with the autopsy that you were performing?

A Correct, this was the first I was hearing of it.

Q And so did you travel to St. Louis to perform the autopsy?

A Yes, ma'am, I did.

Q Did anyone come with you?

A I was accompanied by one of our senior forensic pathologist was a Navy captain. He probably has 15 or 20 years experience named Dr. . We performed the autopsy together and whenever we travel to do a case, we also bring one of our photographers. We have a staff of photographers that will accompany us when we go on road cases. So I had a photographer and Dr. accompany me.

Q And so prior to doing the autopsy, did you learn anything additional that helped you to do the

autopsy?

A So once we arrived at the Medical Examiner's Office, they welcomed us in, essentially gave us all access to the radiology, all the x-rays they had taken on the day that they performed their case, which I believe was the 10th of August.

So before any gunshot wound case, we need to review the radiology in order to see what bony structures have been injured, if there are any projectiles in the body that need to be recovered. So this is standard procedure.

So they gave me access to those x-rays and then I also was able to look at a small scene investigation synopsis probably a few paragraphs, I guess dating back to the 9th or 10th of August. So I had that information to review before we performed our, I guess, third autopsy.

Q Do you recall what you learned from that scene synopsis?

A It was just that there was an individual that had an altercation with a police officer and that he received multiple gunshot wounds and died at the scene.

Q Did you have any information about, for example, whether or not there was an altercation at

or near a police vehicle?

A It wasn't specified in what I had read.

Q Okay. Did you have any information that there were perhaps conflicting reports about whether or not the individual was running or standing still or turning or what position his body was in?

A I don't recall that being elaborated in that small synopsis, no.

Q Okay. And so when you arrived at the Medical Examiner's Office in St. Louis County, did you speak with any of the medical examiners in St. Louis County?

A Yes, ma'am. I spoke with Dr. right before we performed our own procedure and then afterwards, I spoke with Dr. .

Q So Dr. would be the chief medical examiner for St. Louis County?

A To my knowledge, she is the chief at that office, yes, I believe so.

Q All right. And did she give you any information that you felt was necessary in order for you to perform the autopsy?

A She didn't provide any additional information before the autopsy itself. She was just there mostly to facilitate and make sure things were

going smoothly and she allowed us to actually use one of their own technicians to help with the case.

Q Do you recall who that technician was?

A I do not recall. I saw him in the photographs from the first autopsy, I don't recall his name. We have a full ledger in our own case file of everybody that was present in that room, which would include that technician as well as an FBI agent.

Q And so the photographs that you mentioned that you saw from the first autopsy.

A That is correct, but I did not get to see those until after we performed our own examination.

Q Is that because they wouldn't allow you to see them, but you wanted to?

A We actually prefer that we did not look at any photographs before completing our own autopsy. We felt like we were there to perform our own independent study. We didn't want to get biased by other photographs.

Q All right. And when you arrived at the Medical Examiner's Office, I assume that the body was identified to you as the body of Michael Brown?

A That is correct. He also had identification bracelets around his ankles and his

wrist that said Michael Brown.

Q And did your photographer take photographs of the different stages of the autopsy?

A Yes. We have a very specific protocol in the military in the way we deal with photographs and we performed our autopsy the same way we would as if it was a service member for a normal autopsy.

When we arrive the body was discovered in several blankets. We take a photograph of that and then we removed those blankets and then we begin our standard photographs, which would include identification bracelets and anything else that could identify the body.

MS. WHIRLEY: Are you looking for the other file?

MS. ALIZADEH: Sorry.

Q (By Ms. Alizadeh) For the record, we are using a disc that I've marked as Grand Jury Exhibit Number 79, and there are a number of photographs on this disc. And I'll ask you, Dr. , if it is easier for you, and it might be, to maybe wheel that chair, you don't need to worry about the microphone picking you up, it will pick you up and you would be in a better position to look.

Here is a laser pointer so as we talk

about these photographs, you can use that.

A Sure.

Q I'm also going to turn this light down a little bit so it is easier for the jurors to see this.

So this is the first image that is on the file that's on the disc, Number 79.

A Yes, ma'am.

Q Do you recognize this placard?

A I do. We use this placard on all of our autopsies, this is how we start all of the photography with this placard. And usually we make this at Dover Air Force Base before we go to the actual case.

Q And the side of that placard says Dr. , St. Louis, Missouri?

A Correct. We were the two pathologists that were performing this autopsy.

Q Okay. The date at the top, is that the date that you prepared the placard or the date that you actually performed the autopsy?

A So this placard would have been prepared by at the bottom, he's our photographer. I'm not sure if he did it the day before or the morning we flew out, but that was the day we performed the

autopsy.

Q So AFMES, what's that?

A Arm Force Medical Examiner System. That's where we work and we're stationed out of Dover Air Force Base.

Q You have your own case number?

A Correct. ME140240.

Q Then you said MCCS , that's the photographer that you brought along with you?

A Correct. I'm not in the Navy, so I don't know what MCCS stands for. He's a senior chief enlisted in the Navy. I'm not sure what that means.

Q So you indicated that when you first arrived and the body was presented to you, it was wrapped in some blankets and that you took some, that your photographer took some pictures.

There is, in this next image, Image Number 2, you can see something that's inside a blanket and there is a piece of paper perhaps that's on top of the blanket and that is your case number, correct?

A Correct. We label all of our images no the matter what they are with a case number. I think that is just important for us to do not to misplace images across different autopsies.

Q This was all done at the Medical Examiner's Office here, correct?
A Correct. This entire autopsy was done here, but these placards that we are seeing were things we had printed up before we arrived.
Q Okay. So Image Number 3, and that is another different view of the body underneath the blankets?
A Correct.
Q Image Number 4. And so now in this image, we're seeing the lower half of the body and you indicated that there were bracelets, there is a green bracelet around the right hand and then there are bracelets around the ankles of the body. Did those identify the body as Michael Brown?
A Yes, ma'am. I think we have closer up images that show his name actually written on these bracelets, but they did.
Q And the next image. And then this is the upper half of his body; is that correct?
A Correct.
Q Now just viewing this as we see it and as you saw it that day, can you tell by looking at it then that this body has been autopsied?
A Yes, this is the standard Y incision that

we do in the United States and it has been sutured together.

Q All right. And the next photo. Again, you indicated that you took close-up images of the actual identifying bracelets around the wrist and ankles s of the body, correct?

A Correct.

Q And the next image and then the next, and the next, and then the next. Sorry, and so the last image we've already seen that image. So now we saw a number of images that you could see close up the bracelets that identified the body and now do you know why this image was taken?

A Again, this is just our standard protocol. So at this point we would consider the body, usually the bodies that we are dealing with are actually still within the body bag, the human remains pouch. This is just a standard image.

After we remove the blankets, whatever was underneath him, we will take pictures of him on the actual autopsy surface that we are going to be performing the case on.

Q Okay.

A So again, pretty much redundant information.

Q Okay. But these are different images?
A They are, they are. We have already removed the blankets.
Q All right. Now, this is an image of the lower half of his body, but he's turned over and he's lying on his stomach?
A Correct. And you can see here some evidence of decomposition change, some skin slippage.
Q And we see some discoloration on the, maybe I shouldn't characterize it as discoloration, you can see that there is definitely some different color to his skin, what's that caused by?
A Correct. So the body has been embalmed, I think any images you may have seen up to this point have been from the first autopsy. So now, you know, eight days later, the body has been embalmed, been three, several other autopsies. So when the body's playing flat on the table getting embalmed, some of the embalming fluid may not reach these areas because the skin is pressed against a flat surface that prevents it from getting in. So I think any changes in tone or color is probably due to that.
Q All right. So those aren't anything that you feel that were caused by the injuries that he

sustained during the shooting?

A No.

Q And the next image?

MS. WHIRLEY: Let me ask him, what's the white.

A This here? Skin slippage. It is decomposition.

Again, the skin here isn't going to be as embalmed as the skin on the front. He's laying on his back, so this area could be prone to decomposition.

Q (By Ms. Alizadeh) And the embalming process is to slow down decomposition?

A Correct.

Q And then you see the back of the upper half of his body. And you see some injuries to his body from that photograph; is that correct?

A Correct. And this photograph we can see clearly, it is hard to tell from here, but that's the exit gunshot wound from a gunshot wound to his forearm.

And then here is actually an autopsy artifact, that's where they had removed a bullet gunshot wound to the right lateral chest. That's where they recovered that round during the first

autopsy.

Q Now, were you able to tell that just by looking at it?

A No.

Q Or did you have to examine it?

A This information I'm giving you is after I examined the entire case.

Q Okay.

A I did not know at the time of first looking at his back that that was where they recovered a round from the first autopsy.

Q And you weren't able to conclude that from the x-rays either?

A No, because the x-rays, all we have is pretty much one dimension anterior and posterior, so it is hard to tell where exactly the bullet is. I only know it's in the right side of the chest somewhere, but in this situation, it was actually in the back.

So you need x-rays from two different angles in order to really tell that, which we didn't have.

Q All right.

MS. WHIRLEY: There's no indication that he was shot in his back?

A No, I would not at any point thought that was a gunshot wound.

Q (By Ms. Alizadeh) The next slide, is this a repetition of the previous, of a previous slide we've seen?

A Correct.

Q Which is the body still on its stomach and it is the lower half of his body. And the next slide and again, is this repetitious of --

A I'm not sure why we are looking at this again.

Q Okay.

A Just closer up image of the same thing, this is that defect that they created during the first autopsy to remove that round.

Q And you learned that after your autopsy?

A Correct.

Q But looking at that, you can say that that is not an entrance wound, a gunshot entrance wound?

A That is correct. And there is no evidence here of any, what we would say a sign of life. There is no vital reaction here, there is no blood, there is no inflammation around these edges, this looks like a post-mortem phenomenon and that's what it is.

Q All right. Is that a closer up of the --
A Correct. As you get closer you can actually see a scalpel injury here, it's all post-mortem, it is where they removed it.
Q And the next image. Describe what this photograph shows?
A So this is the right hand, we are looking at the palm surface and this is a tangential gunshot wound to the base of the right thumb.
Q And what do you mean tangential?
A Meaning if the skin surface is like this, the bullet is kind of going in the same direction as the skin at that point. So it is basically, you've heard the term graze, I'm sure. I would beg to differ this is a little deeper. When I think graze, I think of something very close to the surface of the skin only, which we will see later in this case. But I think this would be, I prefer to call it tangential gunshot wound, meaning the bullet was kind of going in the same direction as the skin at that point.
Q Now, you were just showing with your hand, you had your, at this point can you tell by looking at this the direction, if this injury was caused by a bullet, can you tell the direction the bullet was

traveling?

A It is difficult in this image because we have to orient it differently. You will see through different photographs there are skin tags and that is what we use to tell the direction of fire in a tangential gunshot wound. In this image I would have a hard time telling.

Q Okay.

A Again, this image can't help a whole lot. You can see a little bit of skin tag kind of pointing in this direction and one on this side also. This still a little difficult based on this image.

You will also have to keep in mind, again, the body has been embalmed. So as the skin starts to get tighter, it starts to change compared to first autopsy.

Q Have you ever done a second autopsy?

A In fact, we do a lot of second autopsies at Dover Air Force Base. A lot of the civilians that die overseas, they are going to get autopsies in sovereign countries and then they are going to come back to Dover and do a second autopsy, so we see a lot of these.

Q The next picture. This is the same injury

to the right hand and there is a scale that is placed over the wound to give it perspective, is that fair to say?

A Exactly. We do this for any gunshot wound, that is standard. You can start to see another tag coming into the field here again, it starts to point in that direction, not as good as I would like.

Q All right. And the next image?

A So in this image we have the posterior surface, an anatomic position, this is actually the anterior surface. I'm sure this has been demonstrated, right? So anatomic position is like this, standing straight ahead, palms facing forward. Okay.

This is actually confusingly the anterior surface of the right forearm and that's an exit gunshot wound right there.

We can also see that tangential gunshot wound to the thumb also in this image.

Q And the next image.

A Is just close-up image here of the exit wound on the anterior surface of right forearm.

Q All right.

A Here we are moving up a little bit closer

into the axilla. Basically still on his back and we are taking a picture here of the back of his arm here close to his armpit. So this is actually an exit gunshot wound. If I hold my arm out like this, it is right about in this location here. (indicating)

Q Now, let me ask you, Dr. , is there any, this may sound silly for me to ask you this, is there any rhyme or reason as to the order which you document and photograph wounds?

A There is, a lot of it's mechanics, right. Michael Brown wasn't a light person, you know, he was probably well over 250 pounds. It is difficult for us to continuously manipulate and turn him from front to back.

So we try to take all the photographs when he is laying on the stomach, then flip him over and then take all the photographs from the other side.

Q So when you talk about these wounds, we will see in your report later you might have them as numbered, or in this case the first wound you photographed and the second one you photographed, is there any, are you saying that those were the order in which the wounds were sustained?

A No, I'm not. This has nothing to do with the order of infliction of these wounds. This is just the order that we happen to photograph them at autopsy.

Q All right. So you said that this is on the back, upper arm and that is an exit wound?

A Correct.

Q And is this a gunshot wound?

A Correct, this is an exit gunshot wound.

Q And then the next photograph?

A Just a closer up image of the same thing.

Q And the next photograph?

A Okay. So now he's still laying on his stomach and now we have an image of the left forearm and we can see an injury here. I think if you go on we can actually get a better picture of that. Perhaps, okay, a little bit better here.

So we actually call this a superficial incised wound. In our opinion, a sharp force injury, it is not blunt.

Whatever caused this was something sharp, like a piece of glass, a piece of jagged metal, a knife, something like that, something sharp. The way that we can tell that is the edges of this are very clean. We don't see any abrasion

along it.

I think what you see here that is kind of dark along the edge of this is actually some vital reaction, he is getting a little inflammation from it. It doesn't take long for a wound to become inflamed. I think that is what we are seeing here.

And again, it is a little dry, it is eight days later, he has been embalmed, so it is a little different than it would look during the first autopsy.

And then along the same trajectory right here, you can pick up kind of a faint scratch along with it. So again, this is consistent, in our opinion, with something sharp.

Q All right. So in your opinion, you have said a couple of times in our opinion.

So are you performing the autopsy together with Dr. ?

A That is correct. We performed this autopsy together.

Q And do you talk about your beliefs and findings as you are performing the autopsy?

A Yes.

Q Who prepared the report in this case?

A I wrote the report and then Dr.

proofread it and signed it.

Q All right. And so when you say our opinion, for purposes of this grand jury I understand that it is because you and Dr. were working together, but it is important that we make sure that we are getting your opinion.

A Yes.

Q Since Dr. is not here to testify.

A Yes.

Q And let me just ask you, was there ever any difference of opinion between you and Dr. in your autopsy and your findings in this case?

A There was not.

Q Okay. All right. So if you continue to say our opinion, it is also your opinion as well.

A That is correct. I can change and say my opinion.

Q Okay. So now in this wound you said you think this was caused by a sharp object?

A I do.

Q You don't think that that could have been a bullet?

A I do not. This does not look like a graze gunshot wound to me. Again, I know we use the word

clean, I know that is kind of subjective. It is a little hard to fine, but when I say clean, I mean the edges of this are very straight, there is not a lot of abrasion to it.

A gunshot wound is going to create a lot of abrasion, it's going to look for all intents and purposes a lot slopier, it is not going to look like that.

Q And to kind of jump ahead a little bit here. After your autopsy, did you have a chance to review Dr. report?

A I did once we completed our autopsy. We actually sat down with Dr. , Dr. , Dr. and our photographer at a table and we reviewed all the images from the first autopsy. It was at that point he also gave us his autopsy report, which may have been preliminary at that time, but actually I think it was finalized.

Q Regarding this particular wound, you and Dr. disagree about what might have caused that wound; is that correct?

A Correct. Dr. , he may have called this abrasion. In my opinion an abrasion is superficial. It's basically the very most outer layer of the skin is just kind of worn away and it

is a blunt force injury. It is either your body impact a blunt object like a baseball bat or something flat or blunt object impact your body. That is what an abrasion is, it is very superficial.

This is deeper, it goes through the outer layers of skin. You can actually start to see a little bit of the deeper dermis and the subcutaneous tissue within that wound.

The only other thing that would be on differential for this is a laceration, which is also a blunt force injury. We see them all the time in contact sports, people that get hit in boxing, they get lacerations, the skin rips.

Again, I think this is a sharp force injury, a superficial incised wound.

Q Now, let me ask you then, Dr. , in your experience as a pathologist for the military, I would imagine you have seen performed a number of autopsies on servicemen who were killed by IUD's?

A Correct.

Q And they have like shrapnel injures and so forth?

A Correct.

Q A shrapnel injury, would that be something like you would have a piece of metal or some other

hard object that would injure the skin or injure the tissue?

A Correct, it can injure the body in a great number of ways. If you want to call shrapnel injuries, we would call them blast fragment injuries. They can actually look like gunshot wounds, but depending on the velocity and size of the fragment, it can also cause lacerations. I would not call them sharp force injuries if they impacted the body.

Q Okay. So you don't think the bullet grazing the surface of skin could cause that injury?

A That is not my opinion.

Q Okay. Did you look at the photographs that Dr. has taken of this injury?

A I did.

Q And I'm just wondering because we've talked earlier and Dr. has testified, of course, before about that experts can differ in their opinions. Did anything about the photographs that Dr. had taken change your opinion about the cause of what caused this injury?

A No, in fact, his photographs reinforced what I thought. I still believe this is a sharp force injury with his photographs and in addition to

ours.

Q Did you discuss with Dr. that you had a difference of opinion in regard to this injury?

A We had talked about it, yes. But he wasn't swayed one way or another.

Q And you weren't swayed either to change your opinion?

A No.

Q All right. And so could a piece of glass could have caused this injury, yes. I believe a piece of glass could have caused that injury?

MS. WHIRLEY: The only question I have is that this injury you believe happen contemporaneously with the gunshot injury?

A I do, especially if you look at the first, the first autopsy images of this injury. It looks very acute, it doesn't have any signs of healing. It has a little bit of inflammation around the border, it is still wide open and it is bleeding. I would think that if that injury had occurred in the past it would have potentially have been treated in some way, a bandage or something, that is a pretty large wound to leave open.

. What side

is the back side of what side, left or right?

A This is the left arm.

: This is the left arm?

A Correct. It would be like right here.

: Oh, so it is right here.

So could that have happened against a metal car rubbing up against the window?

A I believe so, as long as whatever impacted his arm at that point was a sharp object, jagged metal, glass, yes.

Okay.

. What a about fingernail?

A Fingernail, no. Fingernail injury we would term abrasions. It would have to be an extraordinarily filed and sharp fingernail to cause that injury.

MS. ALIZADEH: You know, I appreciate as we move along, rather than save your questions just butt in because while we have a slide up, it makes sense for you to raise those questions for the doctor as we go along.

So the next image, this image we have seen of the lower half of his body.

A Okay. So now we have the other side of

the left hand here. At this point you saw in the last image we flipped his body back over and I think what is becoming apparent here is a small abrasion here kind of at the base of the wrist.

Q (By Ms. Alizadeh) So you describe this as an abrasion?

A Correct. An abrasion meaning it is a blunt force injury, either the hand impacted a blunt object or the blunt object impacted the hand. And it eroded away some of the superficial layers of skin leaving that.

Q Could that injury have been caused by a bullet?

A No, it is not my opinion that could be caused by a bullet.

Q You can't say what object then caused that abrasion?

A I cannot.

MS. WHIRLEY: A fingernail?

A Fingernail abrasions usually, we call them curve linear, they are basically a little U shaped abrasions. I don't think that that's a fingernail injury.

MS. WHIRLEY: Someone grabbing, holding?

A Potentially, but again, I cannot look at

that and tell you what caused it.

MS. WHIRLEY: Okay.

A bracelet?

A A bracelet potentially, yeah, a bracelet could do it, that's one possibility.

MS. ALIZADEH: Would the bracelet have to have been a hard object?

A It depends on how the injury occurred.

MS. ALIZADEH: Okay, all right.

A I can't add any more to that.

MS. ALIZADEH: Let me ask you this. We see a bracelet now on the right hand, was there an identifying bracelet on the left hand?

A I don't recall there being one on the left hand, no. But I know that it is not a postmortem abrasion because we can see that same abrasion on the autopsy photographs in the first case and there wasn't that bracelet there yet.

So in this image here now we can see entrance gunshot wound to the right forearm and that couples with the exit gunshot wound that we saw on the anterior surface of the right forearm in previous images.

Q (By Ms. Alizadeh) And so this wound have been, entrance wound would have been on the other

side of his forearm, correct?

A Correct. This is the entrance wound for this gunshot wound, and we saw the exit wound when he was laying on his stomach and that was on the right forearm in this location on the anterior surface.

Q And I just lost what I was going to say. Looking at the x-rays of his extremities, were you able to tell if this gunshot wound impacted any bone?

A Correct. The right ulna was fractured and we picked that up on x-ray.

Q And was that fracture consistent with a bullet passing through his forearm?

A It was 100 percent consistent with a bullet trajectory with an entrance wound here and an exit wound here, going through the right ulna.

MS. WHIRLEY: Two things. One is this wound consistent with being, with him being shot from behind, you understand what I'm saying? If someone is pursuing him and shooting, is that wound consistent with receiving that shot in that way?

A Right, obviously, a difficult question to answer because as you know, our arms can do all sorts of things in three dimensional space. And,

you know, the shooter versus who is receiving the bullets, it also depends on where they are in three dimensional space.

So if you are asking me could a shot from his backside produce that, I say yes. Because as you are running, if your arm is down like this, that surface, that very surface of your arm is exposed posteriorly. So a bullet coming from behind you could cause that injury.

Could it come from the front side? Yes, depending on how your arm is. If your arm is out in front of you like this, a bullet impacting here could still exit here.

If your arms are up like this, they have to be rotated in order for the bullet to impact here if the shooter is directly ahead of you. It's difficult, but I think there is a lot of different scenarios that can explain that trajectory. (indicating)

Q (By Ms. Alizadeh) So the last posture that you demonstrated with your arms above your head.

A Yes.

Q You said you believe your palms would have to be rotated?

A Correct.

Q So I can describe for the record, you had your palms facing each other?

A Correct. If my palms face outward like this, that part of the arm is starting to go lateral. The shooter in my opinion if you are facing like this would have to be at that angle. In order to go through your arm here and exit here. It is kind of going leftward, right. If your arms are up like this. If you rotate in, then the bullet can come more face on.

MS. WHIRLEY: And that's assuming that the shooter is right in front of you?

A That's correct.

MS. WHIRLEY: If the shooter is diagonal to you?

A If the shooter is diagonal, right, then I believe your palms can be facing forward, but you are not directly whoever is shooting you at that point.

MS. ALIZADEH: And this is the right arm, correct?

A This is his right forearm.

Q (By Ms. Alizadeh) So if the shooter were on his side, it would have to be on his right side?

A Correct.

MS. WHIRLEY: Ready?

A Just a close-up image of the entrance gunshot wound to the right forearm. Just some pertinent negatives that we see here, we don't see any close range discharge of a firearm, any evidence of that.

When I say that, that means stippling, which is essentially impact with the skin with burning and unburned gunpowder particles. We don't see any soot, which is a product of combustion of the gunpowder, we don't see any deposition of that.

I don't see any searing or muzzle imprint that would have occurred if a gun was right up against that forearm. So no evidence of that.

Q (By Ms. Alizadeh) And just to jump ahead a bit so you're not repetitious. We will talk about the hand injury separately, but other than the hand injury, were any of the other gunshot wounds in your opinion, did you observe any soot or stippling on any of those other injuries?

A On none of the other injuries did we see any soot, stippling or unburned gunpowder particles. No evidence of close range discharge of a firearm on any of these gunshot wounds except for the one you

had just mentioned on the hand.

And again, we have to preface that by saying I did not have the clothing to inspect at the time of this autopsy. And furthermore, this could have been the third autopsy, the body has been embalmed, washed several times. A lot of that stuff can start to wash away. Stippling doesn't, but soot can.

And the other thing to say is the gunshot wound to the top of the head, Michael Brown had pretty thick hair. So a lot of times hair can actually prevent deposition of soot, stippling.

Q Okay. Can you describe this injury, this wound?

A This here is an entrance gunshot wound to the upper right arm. We saw the exit wound earlier that was closer to the armpit. So this entrance wound was here on the right lateral arm and the exit was under the arm here by the armpit area.

And again, just a close-up image of the same.

Q Next image?

A Okay. So we have two things we can talk about here. One is an entrance wound, gunshot entrance wound of the right clavicle region and here

is a gunshot exit wound on the right chin.

Q All right.

A Again, close-up image here of the entrance gunshot wound to the right clavicle area.

So here we have two things we can talk about. This is a graze wound, a graze gunshot wound on right forearm, excuse me, right upper arm, that's basically in the bicep area. That would be about here on my arm.

This here is just another angle on that entrance gunshot wound to the upper right arm. (indicating)

Q Can you tell anything from that graze injury that you are circling right now about the direction of travel of the bullet?

A So we cannot, I cannot. We talked about earlier with that thumb wound, a lot of the ways that we can tell trajectory on some superficial like this is with the skin tags. Well, you guys can see just as well as I do there are no skin tags here.

Sometimes we can start to guess by the direction of the abrasions. We don't really have anything that I can go on here to tell the trajectory of this fire.

Q All right. And the next image?

A Just a close-up image of the same here. And some of what you are seeing here is drying artifact. Again, the body has been now deceased for a number of days and embalmed. It is starting to take on a more black color, which is not uncommon for these gunshot wounds.

Q And the next, this image is just a more distant image of that grazing wound that you just spoke of?

A Agreed, and then there's that entrance gunshot wound again on the upper right arm.

Q All right.

A A picture here of his tattoos. Another shot here of the exit gunshot wound on the right side of the chin here and coming into the field here also are abrasions. Now, a little more dry appearing than what they were eight days prior.

. The exit wound you were speaking of, were you able to determine what entrance wound?

A Coupled with that exit?

: Was it this one on the chest?

A Oh, okay. So this is the exit wound for a gunshot wound that was on the forehead. And right

here on the right clavicle area was another entrance gunshot. So I guess we haven't talked about that.

So the total amount of the gunshot wounds in this case is eight. There is eight separate gunshot wounds.

Now, the possibility exist that the gunshot wound to the right clavicle and the gunshot right lateral chest could be reentry gunshot wounds. The gunshot wound to the arm or the gunshot wound to the forehead. It is my opinion that entrance wound here on the right clavicle is likely a reentry wound from that exit right there on right chin because the trajectories line up perfectly.

Q (By Ms. Alizadeh) And then regarding the entrance wound on the chest being a reentry of a gunshot wound to the forearm, would that all just depend on how that forearm was positioned when the bullet passed through it?

A Correct. This gunshot wound on the upper right arm, which we've seen and then the exit was here, under the axilla basically. I have a hard time with that one coming from my body and causing this entrance gunshot wound to the right lateral chest, which we actually have not seen a picture of yet. The trajectory doesn't make sense in my mind.

The arm would have to be pretty up and over across the chest in order to come back, because that's where they got the bullet. It entered here and recovered it down here on the right lower flank. It is challenging, but the forearm one I do think could line up with that lateral chest if it was out like this. (indicating)

Q All right. And this is also that wound --

A This is the exit wound on the jawline there on the right side of the face.

: Question, Dr. ,

.

A Yes.

: In order for a bullet to enter twice, go in, come out and enter, do you have to be close or far away for that to happen?

A You do not, no. It is really going to depend on the type of weapon, the type of ammunition and what structures the bullet hits as it goes through the body. It's a very complicated question. But at this range, I'm actually not sure what weapon was used and I do not know the caliber. I can't really comment any further on that.

: Okay. Thank you.

Q (By Ms. Alizadeh) This next image you see

injuries to the right eye and above the eye?

A Correct. So now we can see the entrance wound that was on the forehead here. It is a little bit to the right of the midline.

This gunshot wound actually caused these lacerations both here to the right eyebrow and to the upper right eyelid here as it passed underneath of it. It also ruptured the right eye. I didn't even see it at the time of our autopsy. It was essentially obliterated.

It fractured several bones in the face and then it exited right here. (indicating)

Q And that is a bullet that you said possibly could have then reentered the clavicle area?

A Correct. So minimum number of gunshot wounds is six in this case and then eight total depending on whether or not you believe these are reentry wounds, you can drop the total number of gunshot wounds to six. Again, just a closer up image.

Q Let me just clarify that. When you talk about gunshot wounds, if each wound is separate.

A Right.

Q I think there is some confusion. We've

heard about other possible opinions. So how many total gunshots wound were on Michael Brown's body?

A If you want to count entrance and exist separately?

Q Right.

A See, I haven't been doing that. When I say eight total gunshots wounds, I just mean basically eight bullets went through his body.

Q Okay.

A If you want to drop the number to six total bullets went through his body, you would have to consider this and these two injuries on the right chest as reentry wounds.

Q Okay. I didn't want there to be some confusion that you thought there were only eight wounds on the body that were caused by a bullet.

A No.

Q Okay. All right. So the next slide we see is another image of the entry wound in the forehead; is that right?

A That's correct. This is a closer up image of that.

Q And again, you do not believe that this was a close contact wound?

A I do not. There would have been,

obviously, in this situation no clothing over the body. He wasn't wearing a hat, his hair wasn't here, we see no stippling, no soot, no muzzle imprint, no searing of his skin, no evidence.

Q This bullet would have traveled downward through the eye and then exited out the jaw?

A Correct.

Q And so given that Michael Brown was about 6'5", the bullet would of had to have entered and traveled downward, correct?

A Correct.

Q So the barrel of the gun would have to have been above, when I say above, it had to enter from this direction, correct? (indicating)

A Correct. Again, it is difficult with trajectories. We have to imagine, there is a lot of different scenarios to explain this trajectory. Yes, if you just look at it in anatomic position, it goes sharply downward to the right and a little bit backward. I can manipulate my head in all sorts of ways in three dimensional space where the shooter, if we don't know where he is, there is a lot of different ways to get that wound.

So we don't know anything whether or not he was falling or whether he bent

over to charge or whether he was just bending?

A Correct, yeah. I can't tell you from this what he was doing, that's correct.

Q (By Ms. Alizadeh) Okay. The next slide.

A Okay. So here they're just taking a more close-up image of the skin lacerations that were the result of that entrance gunshot wound. So again here, eyelid and eyebrow.

Q But those were caused by the bullet passing through?

A Correct.

Q That's not like a blunt force?

A We don't have any reason to suspect these are separate injuries. We believe, I believe that they were caused by that single gunshot wound to the forehead.

Q Okay. Next one?

A So left hand, we just noticed a few defects here, some small abrasions. Dr. also mentioned some possible abrasions, I think he calls them postmortem at times. Bottom line, I wouldn't make a big deal of these abrasions. They could have been there before.

: I have a question going back to the one in the head. I just want to make

sure that I understand. Would it have been possible, from what I'm reading, you're not indicating that somebody was standing over here, that's not indicated or standing over him at a close range?

A That's possible. When we say close range, it still did not deposit any evidence of close range discharge on --

: So not as close as we are?

A Not as close as we are. That's a whole another topic. I don't know if we want to get into that, you may have already addressed it, you know, at what distance does this stuff still deposit onto the skin. And I can just give a ballpark average, I'm not a ballistics expert, but with a standard handgun, it's about 2 feet to still get stippling and then within a foot you can get soot.

So if I'm two feet away from you with a standard handgun, standard ammunition, you are not going to have any evidence of close range discharge.

So having said that, this is 12. It is at least 2 feet away?

A Ballpark, yes, 2 feet away. But the weapon needs to be test fired with the exact same

ammunition that was used.

I understand. That's an educated guess.

A Educated guess I would say greater than 2 feet.

Okay.

MS. ALIZADEH: All right. The next image?

A So just a closer up image here, small discoloration here and then an abrasion there. Again, I cannot tell you what caused that and I really wouldn't put much significance into it.

MS. WHIRLEY: And the abrasion, you can't even say if it was contemporaneous with the shooting.

A I cannot. I would have to re-review all the images from the first autopsy again. I remember seeing some of these abrasions there, but I believe Dr. called them postmortem, which it is possible. Once the body is down on the ground, it is being manipulated and put in a body bag, abrasions can still occur.

MS. WHIRLEY: Is that what a fingernail would look like?

A This?

MS. WHIRLEY: The other one?

A Here?

MS. WHIRLEY: Yeah.

A No, a lot of the fingernail abrasions that we see in forensics are in cases of strangulation and they literally look like curve linear little U shaped abrasions. This kind of just looks irregular to me. I don't really have an opinion on it.

MS. ALIZADEH: This is the right hand?

A Could you go back. This is the left hand here.

MS. ALIZADEH: All right. Left hand, good.

MS. WHIRLEY: Done with that?

MS. ALIZADEH: Yes, sorry.

MS. WHIRLEY: No problem. I'm going back, sorry, let me go forward.

A So now we're moving back over to the right hand here and again, some small defects, a little abrasion here and there. I really, again, I cannot tell you what caused them, just small abrasions.

So now we're looking at his right flank. I had the photographer take this image cause now you can see the trajectory of this gunshot wound.

Here is the entrance gunshot wound to

the right lateral chest and this is where they recovered that round that we saw that defect from the prior autopsy. It is basically going front to back and a little bit downward.

And while it goes through this course, it doesn't actually enter the chest cavity, but it fractures the eighth rib and a splinter of that bone actually injured the right lung on the lower lobe.

Q (By Ms. Alizadeh) This is a gunshot wound from the front?

A Correct, correct. Here is your entrance here and this is where the round was recovered.

Q And in this image, because we can't see the hands or feet of the body, where is his head?

A His head would be up to this side and the feet would be down here. (indicating)

Q So that's on the right side?

A Correct, this is the right side of his body here.

Q All right.

MS. WHIRLEY: Would that wound have disabled him?

A No, it is not in my opinion that wound would have disabled him. It would hurt, but it

wouldn't disable him.

Q (By Ms. Alizadeh) If someone received that wound, could they run 25 feet?

A Yes, yes. Again, another image here. We kind of put his arm back and you can see his armpit and again entrance gunshot wound here, and that is where they recovered that round.

Just because we haven't mentioned it yet, we haven't really described that other wound here on the right clavicle. What it did on the inside he had about 400 milliliters of blood in his right chest cavity. That's about like a can of Coke. A can of Coke is about 350 milliliters, so a decent amount of blood in his right chest.

And again, this fractured a rib that caused injury to the lung and that gunshot wound to the right clavicle area fractured the clavicle and then it went right through the upper lobe of the right lung. So quite a bit of injury to the right side of his chest.

MS. ALIZADEH: We're going to ask the same question. If someone received those injuries that then injured his lung, would that immediately incapacitate a person?

A They would not.

Q (By Ms. Alizadeh) Is that a fatal wound?
A It could be. We talk about gunshot wounds, it could be fatal to your leg. I mean, it doesn't matter over time anything can be fatal. Instantly fatal, no.
Q So this person, Michael Brown, if he had received those two gunshots, he would still be able to stand?
A Yes.
Q Could he run?
A Yes.
Q Could he perceive things?
A Yes.
Q And see things and speak?
A Yes.
Q Make sound?
A Yes.
MS. WHIRLEY: Would he be able to raise his hands up towards his head?
A Yes, but with pain. Now you have a fractured clavicle, you have a gunshot wound through the right side of your chest. It is going to hurt to raise your arm, but yes.
MS. ALIZADEH: What about, you mention that the lung was actually pierce by the 8th rib,

but also that the bullet entered the lobe of right lung?

A Correct.

Q And there was a significant amount of blood from that, which I imagine you did not see in your autopsy?

A Of course, that's correct. A lot of these things that I'm telling you I could not tell from our autopsy. We actually had to go back and look at Dr. report and his images. And that's because, as you can imagine, after the autopsy, all of these organs have been dissected and they're dissected again on a second autopsy. And they're put in a bag and they are in the abdominal cavity after embalming.

So we basically just have a bag of organs to look at. We lay them all out, we do our best, but it can be challenging to interpret gunshot wounds at that point.

Q If the lung was injured in two different places at that point, could a person scream loudly?

A Yes, I see no reason why a person couldn't scream loudly.

Q And the other lung was uninjured by any gunshots wounds, correct?

A Correct.

Q Even a person with one lung can speak, can yell and scream, correct?

A Correct.

But a person of that size where only one chest cavity, might be very short of breath, he might be short of air.

A To answer your question, yes. That undoubtedly would make it difficult to breathe with two gunshots affecting your right chest, undoubtedly.

You said that entrance wound and it affected the lung and the rib was broken?

A Correct.

: And it also affected the clavicle?

A Correct.

: So when someone's hurt, I know when I'm hurt for whatever reason, my instinct is to do this? (indicating)

A Correct.

: My instinct when I'm in pain would not be to do this, not arms up, but that

could be misleading. If we were hurt like that, our instinct would be to bend over?

A I agree, that's possible.

: Okay. And he would be out of breath, so he'd be breathing heavy probably.

A Yes, he would have labored breathing. It would be difficult to get a good breath at this point.

With that same out of breath, he's out of breath, maybe he can't move as fast?

A Oh, I agree, undoubtedly. These are definitely, they're not fatal gunshot wounds, but they are difficult to breathe afterwards. I mean, having any injury to your right chest like that. Once a bullet goes through your lung, a lot of things can start happening physiologically. Your lungs can shrink down, it can be a real difficult time to breathe after that.

: You could still run or walk?

A You have a lot of reserves, especially in a certain situation like this and you have a lot of adrenaline going, you will be surprised what you can do after you receive a gunshot wound.

So, yes, I think he could still walk, run, talk, and do all of that despite having injury to his right chest.

MS. WHIRLEY: Okay.

A So now we are looking at the other side of the body. We don't have any injury here to talk about.

And again, left forearm, that injury we talked about before that superficial incised wound.

Just a close-up image here of his tattoo.

And now we're just going to do our face shot. These are our standard shots after we are done. Nothing new here. You get a little bit better appreciation of all the abrasions that he had suffered here above the right eye and below the right eye.

MS. WHIRLEY: The wound to the top of the head we have not seen yet, correct?

A The wound to the top of the head we have not seen yet. And I'll just make a quick comment about these abrasions because I know it will come up.

These are abrasions, blunt force

injury. The body impacts a foreign object or a blunt object impacts the body. I believe they are consistent with a terminal fall. We see it all the time, heart attacks, people all the time get abrasions on the prominences of their face when you hit the ground if you can't protect your head with your hands.

MS. WHIRLEY: I don't know if we will see this in this light, but there was testimony that he fell to his knees before falling on his face.

A Okay.

MS. WHIRLEY: Did you see any injuries to his knees?

A We did not see any injuries to his knees.

MS. WHIRLEY: You would have looked at the whole body?

A Yes, ma'am, head to toe.

: I have one question, On that forehead shot, I know we talked about some of the lungs, would he be able to still stay on his feet and run?

A In my opinion that would be a very disorienting thing to experience. If you think about it, you have a gunshot wound going from here through your right eye and exiting. Fracturing

multiple bones of your face in the process. Your brain is not far away. So just think about concussive effects of a bullet passing through your forehead.

We've seen people knocked out from punches, now imagine a bullet going through forehead. Yes, I believe it could be very difficult to not be disoriented after receiving that.

MS. WHIRLEY: What's disoriented going to look like?

A That's just going to depend, you could just look like you're in a stooper, it is going to depend.

MS. WHIRLEY: But it would not have put him down necessarily?

A I think it is just going to depend on situation. It depends on his constitution. I can see this putting somebody down.

MS. WHIRLEY: Was it the fatal shot in your opinion?

A This is not in and of itself an instantly fatal gunshot wound, no.

MS. WHIRLEY: Okay.

. Would it look like he was drunk or something like he was

staggering.

A I believe that's possible, yes, I believe that's possible.

. From these can you tell the duration between the time each of these wounds?

A We cannot.

: Going back to back, seconds in between now.

A We cannot do that.

This is a stupid question, but you can't even tell if those abrasions were happening, what time they happened?

A We can't. I mean, this all happened, I assume, within the same window of time. None of these injuries look like they are from weeks ago or anything.

So the image of the left side of the head. Now you can see that some more prior autopsy artifact he has had, his scalp reflected and there's sutures in there.

MS. WHIRLEY: What do you mean by scalp reflected?

A So during the autopsy, we take our scalpel blade and run it over the vertex of the scalp behind

the ears and then reflect the scalp over the face in order to get access to the brain, and it has already been done.

Now we are looking at the other gunshot wound.

Go ahead.

: I'm .

You said that he would be dizzy or disoriented, but if he has 12 nanograms of marijuana or 45 nanograms for marijuana in his body, that could let him do, not to feel that much, the pain or the part what is going on?

A I understand your question and I'm going tell you guys this. I'm not a forensic toxicologist. These levels of marijuana, I don't make any sense of them myself. I don't want to go there. I don't know its affects on him. I know general affects of marijuana, but I can't say whether or not that would make him impervious to pain. I would prefer not to comment.

Thank you.

MS. WHIRLEY: Still on this slide, I think.

A Okay. This gunshot we are looking straight down on the top of his head at this point.

His abdomen would be up here, his back is against the gurney.

So this has been previously shaved, Dr. had done this, I did not. And now we can see an entrance gunshot wound basically right at the top of your head right here. And I think we have a closer up image if we can go one more. Go one more, maybe we have one more. Go ahead one more. Maybe we don't, can you go back one more, sorry.

MS. WHIRLEY: Okay.

A Sorry.

MS. WHIRLEY: No problem. I'm trying to go back right.

A Slightly closer up image of that entrance gunshot wound to the top of the head. These red marks that you guys are seeing here, that was caused by the scalpel blade when Dr. had basically taken the hair off. Those are abrasions for where the scalpel kind of ran across the top of the skin. Now we have an entrance gunshot wound here. Again, we don't see any close range discharge with the firearm.

MS. ALIZADEH: And just let me ask you this. This is an entrance wound, correct?

A Correct.

MS. ALIZADEH: Was there a corresponding exit wound for this injury?

A There was not. On the x-rays we noticed a projectile on kind of the right side of his head. So this particular trajectory through the head went downward and to the right. It went right through the right hemisphere of the brain, clear through it. Clear through the parietal lobe, clear through the temporal lobe and then they recovered a bullet next to the base of the skull beneath the brain, and that was also fractured.

So there were skull fractures at the top of the head and also at the base of the skull and quite a bit of what we call intracranial bleeding. There was a lot of blood associated with this bullet going through the head.

MS. ALIZADEH: Can you explain what the effects of this wound would have been on Michael Brown?

A Right. So, you know, we had some debate with the gunshot wound to the forehead if that could immediately debilitate you and make it impossible to have purposeful movement. This gunshot wound, in my opinion, would be instantly fatal.

You know, there are things that we hear about in the media and the literature, people getting gunshot wounds through the head and still being able to do purposeful things. This one in particular went right through the right hemisphere of the brain. And then through really important areas. Motor control of the left side of your body would have been right there where the bullet went through. I don't think he could do any purposeful movement after this. He would have been instantly unconscious in my opinion.

Q When he received that injury, would his body become limp?

A In my opinion, yes. I think he would fall rapidly once receiving this gunshot wound.

. He would fall forward? He would not be able to go to his knees?

A Okay. So that's going to depend on where your center of gravity is when you receive this gunshot wound. Again, gunshot wounds in three dimensional space, they're difficult. I mean, there's a possibility he could have been leaning back at this point. It is difficult to say.

If he was leaning forward when he received this, I think it is still possible he could

have hit his knees on the way down.

: If he had hit his knees, is it possible to be no abrasion on his knees?

A Well, I took a look at his clothing, which we didn't have and obviously he wasn't clothed when he came in for his third autopsy, but his shorts do seem to go beyond his knees, around the level of the mid calf. I think they would have offered some protection to his knees, so it is possible he could have hit his knees on the pavement and not gotten an abrasion.

MS. ALIZADEH: Now, hold on. Is this the last gunshot wound.

A Well, we haven't talked in full detail about the one to thumb yet.

MS. ALIZADEH: Those pictures we have already seen, correct?

A Correct.

MS. ALIZADEH: So to spare everybody from looking. If you want to see those other images that show the eye and the mouth, let me ask you this, you talked about the injury to his right eye. Did you notice anything remarkable about his mouth?

A Uh, no. So when we open the mouth, we are going to look at the teeth and make sure they're all

intact. We also look at the frenulae, that's basically the part that attaches the gum to your lip, that was all intact. I didn't notice any significant injury to the mouth.

The tongue was still in place, we took the tongue out and we didn't see in any injuries to the tongue either.

MS. ALIZADEH: All right. Did you examine the neck of Michael Brown?

A So with any autopsy we first look at the exterior of the neck, we didn't see any lesions at all on the surface of his neck, any lesions on the back of his neck.

MS. ALIZADEH: What's a lesion, Doctor?

A Any kind of a defect out of the ordinary that you wouldn't expect to see. So we didn't see any abrasions, any contusions, any lacerations, no injuries.

During the autopsy you reflect the skin over the face and then we can look at underneath, we can look at all of the musculature of the neck, we can look at the deep layers of the skin. We didn't see any evidence that there was any bleeding in any of the neck structures.

MS. ALIZADEH: Did you notice either

through your autopsy or examining the photographs and the report from Dr. autopsy, did you note that there was any bruising to the neck area?

A No, we did not, nor through our examination or review of what Dr. had done, there was no injury to any of the neck structures.

MS. ALIZADEH: We talked yesterday a little bit about this bruising is a very difficult thing to interpret, would that be fair to say?

A Correct.

MS. ALIZADEH: And people bruise differently?

A Correct.

MS. ALIZADEH: And people have different skin tones, might make it more difficult to see a bruise, visualize a bruise, correct?

A Correct.

MS. ALIZADEH: Can you see a bruise after you've reflected the skin?

A Yes, especially once we reflect the skin, you can actually see, a real bruise is going to diffuse in the skin beneath.

So you can take your scalpel blade and run it over a bruise. If there is contusion or bleeding underneath that's consistent with a true

bruise. But in this situation, we didn't see anything like that in the neck.

: Just so I understand what you're saying, I know I want to make sure that I understand it.

It is easier to see a bruise under the skin than it is on the skin?

A Oh, no, not necessarily. It depends on the skin tone, it depends, you know, how old you are, because it is pretty easy to see bruising on some people that are over the age of whatever. Very old people have thinner skin.

MS. ALIZADEH: Be careful, Doctor.

A That is true.

: Just because they couldn't see it doesn't mean the bruising wasn't there?

A There was no evidence of bruising.

MS. ALIZADEH: Again, visually on the surface, no evidence of bruising, correct?

A Correct.

MS. ALIZADEH: And then when you reflected the skin and examined the tissue under the skin, no evidence of bruising?

A Correct.

MS. ALIZADEH: And I asked you yesterday, and I know that this is asking you to speculate somewhat, but have you seen strangulation injuries?

A Yes, ma'am, I have.

MS. ALIZADEH: And strangulation, have you seen strangulation injuries that are caused by a human hand as opposed to like what do you call it?

A Ligature.

MS. ALIZADEH: Ligature.

A I have, yes.

MS. ALIZADEH: Just for speculation purposes, and I know that this is, I'm asking you to use your medical expertise and if you can't answer this, just simply say I couldn't tell you. But if someone were to have grabbed Michael Brown around his throat with one hand and were to have hold tightly enough with that grasp so that Michael Brown could not get away from that grasp, would you expect to see bruising?

A I would, I would. Strangulation in general is a very violent act and it requires a lot of force. And in order to do it effectively, you need to be doing it hard. So you are going to have some evidence usually, yes, I would expect to see it.

MS. ALIZADEH: Not impossible that there wouldn't be any evidence.

A I would say that's true.

MS. ALIZADEH: Or maybe if his grasp was momentary as opposed to lasting several seconds, that would affect maybe whether you would see bruising?

A I agree.

MS. ALIZADEH: So I don't recall if there are any other injuries that you photographed. I would like to go back and talk about the injury to the palm now.

A Yes.

MS. ALIZADEH: Would it help you to explain your findings if we were to use photographs, because you've seen the photographs that Dr. , that were taken during Dr. autopsy; is that correct?

A Yes, ma'am, correct.

MS. ALIZADEH: By the time you examined the body, the appearance of that wound was somewhat different?

A Yes.

MS. ALIZADEH: Would it help you to explain your findings to look at the photographs

that Dr. look or would it be better for you to use the photographs that you took?

A I would prefer to use Dr. photography on this.

MS. ALIZADEH: Okay. I've got some photographs, and Sheila can you switch it so we can do that. And these are again photographs that were taken during the autopsy by Dr. , which are contained in State's Exhibit Number 7.

I'm going to show you one that is Image Number 49, and the picture is always clearer than it is when I put it up on the overhead here. So if you need to look at it on the overhead, I can have that, I can show you the picture, but can you see it clearly enough to describe what you need to see to describe your conclusions about this injury?

A Yes, ma'am.

Q Explain for the jurors, you have already talked about this being a tangential wound and you describe what that means. There is no bullet recovered in this wound; is that correct?

A Correct.

Q You believe this was caused by a blunt force as oppose to like a sharp object?

A I believe this was caused by a gunshot

wound.

Q Why do you think that?

A So this is very classic once again for a tangential gunshot wound. It was going in this direction towards the base of the palm here and the reason why I can say that is because whenever these injuries occur, these skin tags will form and they point toward the direction from which the bullet came.

So you can appreciate them a lot better here than you can on our autopsy photograph. And again, the body has been embalmed, the tissue's kind of contract and it makes it difficult, but you can appreciate several tags that point in that transaction.

Trajectory is going this way, and in this area, and I know it is difficult to appreciate projected on the screen, but I'm sure you guys have seen these photos in person before.

Again, I would suggest you take a close look at this area. This was from the first autopsy, it is after he washed the hand, but before he took sections of it for special microscopies. He was interested in this area right here which is the origination of this gunshot wound where the bullet

came from.

So right in this region, the skin is slightly discolored, it's a little gray in comparison to the skin around it. It's hard to see on the screen, but on these images you can see it up close. That is our interpretation of soot. It is from the barrel of the gun.

And we can confirm that when we take this and we look at it under the microscope and we can see the soot deposits on the skin and within the gunshot wound track. (indicating)

Q Now, at some point after your autopsy, did you receive some slides and some photographs of slides that were sent to you by ?

A Yes, ma'am, I did. took photographs of a slide from this location and sent it to me and then eventually sent me a slide to look at under my own microscope.

Q And we've seen actually a picture of the slide that you have talked about. Actually, the slide we had shown during Dr. testimony I received from the Department of Defense, but the image that you looked at through the microscope, did you draw any conclusions about whether or not there were any foreign particulate in the tissue?

A Yes. So what we're actually seeing, if you guys have already seen this image, it might be easier to explain. Little black deposits, foreign material. It is highly consistent with soot.

And again, we see the same thing in people that are in and around fires that get smoke inhalation. Inside the airways when we look at it under the microscope, we can see soot deposits, this black particulate matter.

I don't know what else it is, it's soot.

Q Could it be dirt?

A It is not my opinion that it is dirt.

Q What does it tell you then if you looked at the tissue samples provided to you by Dr. as well as the pictures of the slides that he has taken. What is your conclusion once you determine that he believed that there is soot deposited in the tissue that you examined?

A That this is officially close range discharge of a firearm at this point. This entrance wound was extremely close to the barrel of the weapon.

Q And what would be the farthest distance that you would consider before you would say it was

not close range?

A So we discussed this briefly before, again, in order to get soot deposition, standard ballpark number, standard handgun about one foot out. After two feet, you no longer see soot certainly, and you don't see any gunpowder stippling. Beyond 2 feet you won't see any evidence of close range discharge.

Q Did you see any gunpowder stippling?

A We did not see any gunpowder stippling on any of the gunshot wounds in this case.

Q It is your opinion that the foreign particulates, the little black specs that you saw on the slide that was the tissue sample from the wound of the right hand, that that was soot and that would indicate to you that it was a close range wound?

A Correct.

Q Did you do any gunshot residue test on that wound?

A We do not. The Arm Forces Medical Examiner System does not do gunshot residue testing. It is usually through CID or NCIS, one of the other investigative agencies. We did not do that in this case.

Moreover, it would have been for the

most part useless. The body had been autopsied twice before, it has been washed a number of times, embalmed, it wouldn't have given anything valuable at that point.

. I was writing while you're talking. Are you saying in order to get soot they would have to be one foot or closer?

A Within a foot, ballpark within a foot. With gunshot wounds, if it is right up against the skin, at that point all the soot is going to be inside the wound. It's not going to deposit around the skin because the muzzle is pressed against the skin.

As you start to pull back, the other thing you will see when it is right up against is a muzzle imprint. You can actually see the barrel basically abraded and stamped right on the skin around it.

So you will soot and you also get searing of the skin, like a thermal burning affect from the hot gases of the gun going onto the skin.

As you start to move the weapon back, the soot will start to disburse around the entrance wound a little bit and then as you move further and further back, you will start to get stippling. And

what stippling is, is basically the gunpowder particles, both burning and unburning that come out of the barrel, they pepper the skin, it's abrasions. They are not burns, they're abrasions from the gunpowder hitting the skin.

You usually have to be a few inches back before you start to get stippling. Soot indicates to me it is close, we're within a few inches here, this is close.

: So if it were up close right to the skin, it would be almost like a branding.

A Right, you would see a muzzle imprint. In this case we don't, but remember, though, this is a tangential gunshot wound, the gun is not perpendicular to the skin at this point. So the muzzle, you know, if I'm trying to recreate this as it is in my left hand. The muzzle is going to be like this compared to the skin, it is going to be close, it is not right on it. We would probably see some kind of a muzzle imprint at that point.

. Is that the direction that the stippling shows the gun was fired?

A The direction of fire, again, is this

direction. Starts here and goes in that way and that's why the soot is deposited here because that's the closest to the barrel in this location.

Q (By Ms. Alizadeh) Now, Dr. , you made a further finding in your examination of the slide or slides, you received several images and slides; is that right?

A Correct, yeah. Dr. has sent me at least three or four images of his slide.

Q We actually just used one today. For our purposes, it kind of all looks the same to me, if you feel it would help you to explain, we've got images of all of your slides. If I put up the slide that you and I looked at yesterday, would it help you to explain?

A Sure, we can go over it, that's fine.

MS. WHIRLEY: I'm not sure.

MS. ALIZADEH: You figure out how to change it back to this.

MS. WHIRLEY: What do you want to do?

MS. ALIZADEH: Change it back to this. At the very end of this we are finally getting the hang of that.

MS. WHIRLEY: Oh, I got it.

Q (By Ms. Alizadeh) What we're looking at,

Dr. , you and I met yesterday and we talked about this image and can you describe for the grand jurors what you are seeing?

A Okay. So we don't really have an establishing low power shot to kind of explain where we are. I can tell you this is the dermal part of the skin, it is the deeper layers of skin.

So you have the surface which is the epidermis and under that is the dermis. It's a little deeper, but it's not quite into the fat, which is pretty deep into the skin.

So what we are seeing here along this side, this is the gunshot wound track that was from that gunshot wound into the thumb, okay. And what we are seeing along the edge here are these polarizable fragments here, and then this black carbonation looking deposit.

This is soot, in my opinion. There's really nothing else on my differential. Dirt, I don't see how dirt is going to get into that wound in this situation and not really be deposited somewhere else on the palm that we're going to be able to see it.

Furthermore, when tissue is processed in histology, it is a pretty destructive process and

there's a lot of washing, a lot of chemicals. I would think that simple dirt would get washed away, okay.

And also look at where this stuff is. It is actually getting inside the tissue a little bit. For dirt to just crawl inside of the tissue, I think it would be difficult to do. I think this was deposited by force with a gunshot.

Q So this jagged edge along the right side of the tissue, that's the track of the bullet or it shows the track of the injury at least?

A Yeah. So in order for me to explain exactly where this is, I have to go back again to the photograph of the hand. But this is the bullet would have gone right through this location and it would have literally touched and injured this skin.

Q Okay. And so you mentioned the polarized particles, are those little white things?

A Yeah, these things that are standing out as clear like that and these guys, those are called polarizable foreign debris is what that is.

Q And the black things are?

A Again, we would just call this soot. I cannot tell you exactly what that is. It's polarizable foreign debris.

So if you think about when you shoot a gun, a lot of things come out of that barrel than just a bullet. You have vaporized pieces of metal, all sorts of things coming out. So it could be that, I'm not sure.

Q Okay. Now, you also made a particular finding about some thermal changes to the tissue?

A Correct. So thermal changes to the tissue again, it just means it is in close proximity to that barrel, so the heat from the gun can actually thermally coagulate the skin. A lot of what we see in those situations, these are nuclei down here, the nucleus is inside the cell. They can start to blur and stream, it is kind of hard to see these as clear as you would if it hadn't been heated up.

Again, here, there is some indication that there were nuclei here, but they're all kind of homogenizing and blurring and blending. It is a soft indicator there was probably some thermal affect here.

Q And so when a bullet passes through the barrel of a gun, does the barrel itself heat up?

A The barrel itself would, there is a lot of pressure in that barrel, it would heat up.

Q And then the gases that are expelled?

A Especially hot, the gases that come out of the barrel, you get a muzzle flame and super heated gases that come out of the barrel and they can burn you.

Q When you examine the injury visually on the hand, do you see any evidence of burning?

A So we have to remember when I did my autopsy, Dr. had already taken this relevant area out of the body. He submitted it for histology, so I had nothing to look at really of the hand that would suggest to me at that moment in time that there was close range.

Q So your conclusion about the thermal changes is based strictly on your examination of the slides that were provided?

A And Dr. photographs.

Q Okay. And so is there a difference, can you draw, what conclusion do you draw from the fact that you see thermal changes in the tissue?

A I would just lump it altogether and say close range discharge of a firearm. It is within a very close proximity of the muzzle of the weapon, enough to get thermal effect as well as soot deposition.

Q Is there any difference, it has to be

closer, or farther away, like you could possibly wouldn't see?

A I know what you are trying to say.

Q You give a range for the close contact or the close range?

A That would cause thermal effect?

Q Yes.

A That is difficult, I cannot do that. I don't know of any ballpark numbers to say, you know, it has to be 2 inches before you see thermal affect. I don't know, but I can tell you it has to be close.

MS. ALIZADEH: Okay. And then you prepared a report regarding your findings in this case. I'm going to hand you what I've marked as State's Exhibit: Number 80.

MS. WHIRLEY: Let me ask a question while you are looking for that. Doctor, can you say that how the injury occurred to the hand, I mean, you could say close range, but you can't say whether or not someone was grabbing the weapon and moving it or trying to avoid the weapon from shooting them or any of that?

A Right, there's nothing based on images and histology for me to be able to say how the hand was and what he was intending to do, I have no idea.

MS. WHIRLEY: You're not calling it a contact?

A I'm calling it close range.

MS. WHIRLEY: Close range. Tell us the difference, I know it sounds self-explanatory.

A It is kind of what we are discussing. In order for me to call it literally contact gunshot wound, the muzzle was on the skin. I would prefer to see a lot of soot deposition inside the wound. I like to see some searing of the barrel. I would like to see a muzzle imprint of the barrel on the skin. That's what I prefer to see in order to say contact range.

MS. WHIRLEY: You don't see any of that, so you call it close range?

A Close range. It's a little bit more of a hedgy term. To say I don't know exactly how far it was, but it wasn't necessarily right up against the skin.

A contact would be somebody taking their life?

A If they take the barrel and put it right to their temple and pull the trigger, yes, I would call that a contact range gunshot wound.

MS. ALIZADEH: All right. I can't lay my

hands on the copies I made, but I'm going to show you.

(Deposition Exhibit Number 81 marked for identification.)

Q (By Ms. Alizadeh) I'm going ahead to mark my copy, and this is Grand Jury Exhibit 81, is this a copy of your autopsy report?

A Yes, ma'am. This is copy of our autopsy report.

Q (By Ms. Alizadeh) Okay. Since this is my copy and I've marked it with highlights, but I'm going to make a clean copy for everyone. I thought I already did this, but just for the sake of making sure that we're looking at the same thing. The last page of your report it says nine of nine pages?

A Right.

Q So there is a total of nine pages to your report?

A Yes.

Q Let me ask you, Dr. , we're going to wrap this up. Did you see, you talked to Dr. , you saw his autopsy report, are there any differences between your findings and Dr. ?

A Essentially none. The only real

difference is that wound that we described on the left forearm. He called it blunt force, I called it sharp force. Whether that's significant, but that's the only difference.

Q In order for you to perform your autopsy, did you need to see the vehicle, Michael Brown's vehicle, I mean, Officer Wilson's vehicle?

A No, ma'am.

Q What about medical records from Officer Wilson?

A No.

Q Did you need to see the clothing from Officer Wilson?

A No.

Q And you said you did not have the clothing for Michael Brown when you did your autopsy, correct?

A Correct.

Q Would it have been helpful for you to have the clothing?

A It is always helpful to have the clothing in gunshot wound cases. That way you can see any soot or anything, any gunpowder particles on the clothing, but it doesn't mean I can't perform my job if I don't have them.

Q Was there anything that you needed in order to do your job and come up with your findings that you didn't have?

A No.

Q Did you, how did you have the gun to examine?

A Oh, no.

Q Did you need to have the gun in order to come up with your findings?

A No, ma'am, I have never had a gun to look at during an autopsy.

MS. ALIZADEH: Anything else.

Was this the time that you examined the body eight days later. Do you normally examine, is there like an earliness or being eight days late, do you normally examine later or sooner?

A So my job is kind of unique. People that die overseas in Afghanistan and Iraq, it takes them a number of days to get back to Dover. Sometimes embarrassing, they it could take a week. So I'm pretty accustom to seeing bodies if they have been dead for a number of days.

MS. ALIZADEH: And Sheila reminded me, I don't think I asked you, did you see the crime scene

photos prior or at any time during your examination or prepare your report?

A No, ma'am. Yesterday was the first day I was seeing the crime scene photos.

MS. ALIZADEH: That was when you and I were talking about this?

A Yes.

Q (By Ms. Alizadeh) And would you have needed those to have performed the autopsy and come up with your findings?

A Not in this case, no.

Q The ones I showed you, you recall that we were looking at the position of the deceased body as it laid on the ground and the position of his right hand?

A Correct.

Q All right. And was I asking you if you would expect to see dirt in the wound when his hand would be positioned in that manner?

A All we can see from that is that the relevant gunshot surface of his hand was not touching the ground, that's all I can say about that.

MS. ALIZADEH: Anything else anyone? Thank you, Dr. .

(End of the testimony of Dr. .)

MS. ALIZADEH: It is November 6th at 1:37 p.m. Kathi Alizadeh, Sheila Whirley is present, all 12 grand jurors are present and , the court reporter, is present and taking down what's happening in the grand jury. We have one more witness for today and his name is I'm not sure if it is And I believe it is he will spell it when he gets here.

And so prior to his testimony, we're going to play a disc that I've marked.

(Grand Jury Exhibit Number 82 marked for identification.)

MS. ALIZADEH: Grand Jury Exhibit Number 82. Just for explanation purposes. This is a disc of a POD cast. Do you all know what a POD cast is? If you were on the internet, you can broadcast yourself as well as images and voice, okay.

There is a man, I don't know where he originates from, but his name I'm not sure how you say it. But he has a POD cast and so you will see from the video, you can see him and he's sitting in a desk. It looks like he's sitting at a console and he's got what looks like a radio

microphone, but he talks about all kind of things.

This is a regular thing for him, this is what he does. And then he also take his calls, people call in like a radio show, they will talk about whatever the topic is.

And then those programs get broadcast out on the internet. Go to whatever his website is to watch his show and so this is a recording of a part of his show, where the caller talks about having witnessed the shooting of Michael Brown.

And so we're going to go ahead and play the call first. This is again Grand Jury Exhibit Number 82. Actually on this disc there are two files. And I'm playing the file that is entitled To Police Brutality! What Should Citizens Do.

The other file is actually the beginning of the show before the caller calls in and it is just the host of the show talking about things, so it is not something that eyewitness account.

Let me pause it because, , we do not have a transcript. As best you can if you could transcribe what we're hearing. I will have you go ahead and pause the recording right now.

(Playing of POD cast.)

On television the main

news people, they put someone sound dumb, they do not have any sympathy for the situation. You go look on my channel and see the guy that I have and hear how he spoke, hear how well he articulated himself. I'm the only one who put somebody who knew the person, who dealt with the person, who spoke like he knew what he was talking about, who sounded educated, who didn't sound straight street may say, exactly, that's why you want to choke him out, look how they are reporting themselves.

I'm the only one who did it. So it is funny that the coon doesn't allow people to get on his channel. It is funny that the coon doesn't help perpetuate the black folks look bad by going to the dumbest motherfucker possible and saying, here's a camera, speak.

It is funny how the guy I put up who was speaking at Lenox Mall yesterday was speaking eloquently with everything he said. No one could sit up there and listen to him and saying, he sound hood as a motherfucker, he's stupid.

We're going to get to a lot of phone calls, hopefully we have a lot of people calling from the area of St. Louis. I'm being told by a lot of people that I should not go, that it is really

bad there. What I'm going to do is speak to a lot of people who are from there. And one, his name is and he lives in the complex where Mike Brown was shot, what's up,

Hey, how you doing.

: I'm doing well, how you doing brother, when you are right there in the war zone?

I'm right in front. First of all, I'd like to say I appreciate the work you doing, brother.

: Thank you.

Big respect. , man, the incident happened just the other day went from the murder to a damn carnival out here, man.

Explain.

Well, I was on my front patio sitting down and I heard a first shot. So I jumped up and looked out my patio, right.

: Uh-huh.

And I notice that officer, officer is in his car. And the boy he's leaning up into the window, they are like struggling, right.

: Uh-huh.
I guess the officer hit the door open and the guy started running down Canfield, that's the name of street Canfield Road. And apparently the officer was shooting him from the rear.
Um.
And, I guess he, is his name Mike, Michael, Mike?
Yeah.
I guess he was turned around going back toward the officer, that's when the officer unloaded on him. And when he fell to his knees, he just collapsed in the middle of the road.
Okay. Now there are some reports, since you saw it firsthand, this is good, there are some reports which you are saying openly and hopefully you can help us out with that. There are some reports saying that the guy had his hands up when he was shot, is that true?
Well, I don't know, I didn't see that because I was behind a wall.
: Yeah.
Yeah, right. But finally

the guy, he was walking back towards the officer, maybe he did have his hands up, I don't know.

: Uh-huh. So somebody told you that he was walking back towards the officer?

That's what the crowd was saying. He had his hands up.

Uh-huh.

But I think I seen the guy running down the street, the officer was shooting from the back, okay.

: Uh-huh.

By the time I looked up, the guy --

Hello oh, damn it. Who dropped off, was it me? How did I drop off? Tell to hold on. I kicked off my own damn show. Now I know what y'all feel like. I got kicked off my own show somehow.

Hey, brother, you still there?

Yes, sir.

: I got kicked off my own shit. We didn't get a chance to hear the part where you said that's what the crowd was saying that he had his hands up, what happened?

Yeah, that's what the

crowd was saying he had his hand up. And I didn't see the guy with his hands up, I did see him running up the street towards the officer, maybe he did have his hands up, I don't recall.

Uh-huh.

You know what I'm saying?

Let me ask you, you said that he had his head inside of the car with the officer like they were scuffling, so that part that the officer said is actually true?

Yes, sir. That's when I heard the first shot, the first shot came from the officer in the car.

: That's what the officer wrote. I was calling bullshit, the officer was claiming that the dude was trying to grab his gun and the shot went off in the car.

That's right.

: So you're saying that's true?

The guy, half his upper body was inside the windshield. I said what the hell. And by that time, I guess the officer had kicked his door open and the guy took off running down the street and I think the officer was shooting

him as he was running down the street, okay.

Uh-huh.

By that time, the brother was headed toward, I'm ducking, you know, I didn't want to get done.

: Okay.

And I seen the guy turned around, I don't know if he had his hands up or not, I don't know, but that's when the officer unloaded, you know.

: If you had to say from your own opinion what you seen, do you think it was a justified homicide?

Oh, from what I seen, by the guy laying in the car up there, yeah. Yes, there was a big scuffle right there, yes. The guy was halfway inside the police car when I heard the shot. You know what I'm saying?

Do you believe, you're saying like the cop unloaded on him where you are coming from, the cop unloaded on him when he stopped and turned back around?

Like I said, he was running towards my way, okay, down the main street.

: Uh-huh.

And the cop was shooting the guy in the back and I guess the guy turned around and was heading back towards the officer. He was wearing flip flops and his flip flops were all in the street so he was running in his socks.

: That's a part, if it ends up being, I tell people all the time I don't mind apologizing if it ends up being after I did my report, I did my initial report based upon what I read. I'm just tired of seeing a black man get shot.

But when I'm hearing what other people are saying they were like look, you may have this wrong. They were saying this guy may have literally, because you hear the woman say and the woman say, he's a good son, he's never done anything. I just got to ask you this, though, do you think it is justified to try to shoot somebody in the back? I mean, he's running, but he's running off.

He was fleeing the scene, he was fleeing the scene.

Yes.

Yes, I don't think that was justified.

I would assume, if he's

shooting at this guy, apparently he's not a marksman. So he could literally miss this dude and hit a kid that's walking around.

That's right, yeah, yes, sir.

: I assume you saw it. You got a good look out for him, you put out an APB for him and you just try to bring him in.

That's right.

I don't know because we're in crazy positions, and ladies and gentlemen we're talking to a young man who was right there on the scene, lives right there, he seen it firsthand.

I'm not that young.

I ain't either, we young until we dead, I'm going to keep calling us young, man.

That's right, okay.

: What is this state of the atmosphere, what is going on right now, what is going on.

You really want to know what's going on right now? During your break, there was gunshots outside on the streets here, literally.

They had, kind of like beer cans popping, it was a damn freak show. It was a show, shit like that.

: How do you think the blacks are handling it. What do you think they should be doing, as opposed to what they are doing?

Well, I think what they should be doing is trying to come together in a more positive way because I mean, you got pregnant women out here, you've got kids, (inaudible). Kids out here watching this, you know.

Yeah.

Infants just walking around just watching stuff. It was a sad situation.

: I feel bad right now because I don't know what to say next. I want to measure my next comments. The first thing I said, I own up to it, first thing I said was the cops need to start feeling what the citizens are feeling. And I still feel that way because cops have literally gone too far how they are handling their citizens, but I also looked at the scene. I looked at how many hair hats was out there, (inaudible) we talk about that, doesn't it bother you a little bit that it was way more women, looks like 70 to 80 percent women.

Yes.

: Women and kids.

Half of them was pregnant.

: Oh, my goodness.

With baby strollers out there. There was all young guys and women, no older crowd at all. I heard you mention about the guy's mother.

: Uh-huh.

The father was out there also, but they was not, there was no companionship with each other, they was separate doing their own thing.

: Yeah, that's crazy.

There was no consoling or nothing.

You saw the step dad standing there with a sign saying, they shot my son dead in the street. I thought that was the father, they was like no, that's the step dad. You saw the step dad with the mom, but you never saw the dad with the mom. If you said he was out there, that's crazy, they never even interviewed him.

That's right. As a

matter of fact (inaudible) this guy was walking around with pants below his butt. Maybe (inaudible) You know, his pants was sagging off his butt, no shirt, it was sickening.

: Oh, gee, that's what's really bothering me and do me a favor, send me an email when I come out there, I want to talk to you face-to-face if that's cool.

No problem, brother.

Send me an email at

Let me write this, just one moment, .

that's views with an S. Send me an email, I want to get up with you so I can meet with you and talk to you face-to-face if that's okay.

I have something to show you.

: Perfect, if you can.

I haven't shown anybody.

: If you can, send that to me, that would be beautiful, I would be able to use that and we can get that out there.

or just.

: . Send it to me. Let's get the thing going. I'm going to talk to you when I get there, I cannot wait, thank you, brother.

You keep up the good work, you are doing a good job.

Let's see if we can do this thing together. Guys, we got more people calling in from St. Louis.

had firsthand account, account has me thinking, but before I even spoke to after reading more, it had me thinking. The biggest thing I'm tired of hearing.

(End of the audio recording.)

MS. ALIZADEH: So we stopped playing of the video, I believe that was the end of the phone conversation with a person named who claims to live in Canfield Apartment Complex.

So, um, at this time we're done listening to the video. We can use the same disc for this witness because it's and just keep this on the same disc. I know you all need to go at 2:30. We are going to be as quick as possible, but again, I don't want to cut off anybody, I don't want to cut

anybody short and if need be, we'll bring him back next week, okay.

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Sir, could you state your name and spell it for the court reporter?

A

Q Is your given name?

A Yes.

Q You said right?

A

Q

A

Q all right. And how old are you?

A

Q And do you live in the Canfield Green Apartment Complex?

A Yes.

Q And were you living there back in August of this year?

A Yes.

Q And did you witness some or parts of the shooting of Michael Brown?

A Yes.

Q Now, I showed you, there's a laser pointer right there and can you look on this map, this is Grand Jury Exhibit Number 25. Do you recognize this as being buildings and roads that surround or make up the Canfield Green Apartment Complex?

A Yes.

Q Okay. Will you use the laser pointer and show the grand jurors what building you live in?

A Right there, (indicating)

Q Okay. And then is your unit on the front, or on the north side of the build or on the south side of the building?

A It is right there. (indicating)

Q And you have indicated over here it is more toward, if this is east and this is west, is it on the east side of the building?

A Actually right between.

Q Okay. So the way these apartments, one unit here, now there is three floors we know that,

correct?

A Yes, yes.

Q There is one unit here and one unit here?

A Yes.

Q And then what floor do you live on?

A Bottom floor.

Q So from the bottom floor do you have windows that look out?

A Yes.

Q And so from what I understand about the apartments on the bottom floor, when you exit your apartment, you have to actually walk up some steps to get to the ground level, is that fair to say?

A Yes.

Q When you exit your apartment, if you are standing up, can you see, can you see the street or you have to go up those steps to see the street?

A I can see the streets.

Q And how about your apartment, is it one or two bedroom apartment?

A One bedroom.

Q And so are there windows on the front of the building?

A Yes.

Q And do you have a sliding glass door as

well?
A Yes.
Q And so those, is there a bedroom window that faces Canfield as well?
A Yes.
Q So when you look out the sliding glass door and your bedroom window from inside your apartment, can you see the street?
A Yes.
Q Um, can you tell me like if you were standing right outside your apartment building, and there's like, I'm going to call it like a concrete well that the staircase goes down, right?
A Right.
Q So there's a concrete wall that comes up and then is ground level at some point?
A Yes.
Q About how high is that wall?
A Uh, about two feet, two, three feet.
Q Okay. So you can clearly see over it when you are standing in that concrete well area?
A Yes.
Q All right. And so let's start with the morning of August 9th of this year. Was there anything special that you remember happening in the

morning? Was that a special day or anything eventful happen that morning?

A It was quiet day until the incident.

Q Okay. Do you live alone?

A Yes.

Q All right. Was anybody in your apartment with you when this happened?

A No.

Q And so now something happened around the noon hour that drew your attention to outside; is that right?

A Yes.

Q And were you inside your apartment or outside your apartment when you heard something?

A I was inside my apartment.

Q And what did you hear?

A I heard a gunshot.

Q And prior to your hearing the gunshot, had you looked out your windows to see anything going on?

A No.

Q So anything that happened before you heard a gunshot you didn't witness?

A No.

Q And so when you look out your, did you

look out your window or go out of your apartment?

A I looked out the patio.

Q So did you stay inside your apartment?

A Yes.

Q And so what window did you look out?

A The patio.

Q The patio window. Is that sliding glass door?

A Sliding glass door.

Q Now, those apartments have vertical blinds on the sliding glass doors, were your blinds open or closed?

A It was open.

Q And so when you say open, I know the blinds can open and close this way and they also can, you can turn the louvers so that they are open. Were your blinds across the window, but open or were they totally?

A It was across the windows but open.

Q Okay. So you could see through the louvers of the blinds?

A Yes.

Q So when you heard this gunshot, did you immediately recognize it as a gunshot or did you think it was like fireworks or car backfiring?

A No, I knew it was a gunshot.
Q Had you heard gunshots before?
A Yes.
Q Okay. So when you looked out of your window, your slider glass window, what did you see?
A I saw a police car up the street and I saw a guy tussling with an officer inside the car.
Q Okay. Now, because we can't, the grand jurors can see what you're doing but the record doesn't show it. You just grabbed like the front collar area of your shirt and tugged it a couple of times?
A Yes.
Q So did you see somebody doing that, tugging on somebody's shirt?
A I seen a guy, now I know his name is Mike Brown.
Q Okay.
A Officer was tussling with shirt inside the car.
Q So now can you use the laser pointer and show me where the police vehicle was?
A Um, approximately right there.
Q Okay. So right at about where the E of Canfield is?

A Yes.
Q Where it says printed Canfield Drive?
A Yes.
Q And was this a truck or an SUV or patrol car?
A It was SUV.
Q Was it marked Ferguson car?
A Yes.
Q And which direction was it facing?
A It was facing towards West Florissant.
Q Was it in the middle of street, was it on one side or the other?
A It was in the middle of the street.
Q Okay. And did you see any cars around it?
A No.
Q Did you see any police officers around the vehicle?
A No.
Q Could you see inside the vehicle?
A No.
Q So you couldn't at this point see a police officer?
A No.
Q Now, you said the person you saw at the vehicle you now know is Mike Brown or was Mike

Brown?

A Yes.

Q Did you know Mike Brown before this?

A No.

Q Had you seen him in the complex?

A No.

Q How about Dorian Johnson, do you know a Dorian Johnson?

A No.

Q Did you see any other pedestrians or people that were around the police car?

A No.

Q On foot?

A No.

Q And so now you said you saw Mike Brown at the police vehicle, from your vantage point, are you looking at the driver's side of the vehicle?

A Yes.

Q And so was Mike Brown at that side or was he on the other side of the car?

A He was at that side.

Q When you are looking, when you are talking about the side of the police vehicle and there's, I'm going to say there's the front on the driver's side, there's the fender area, and then there's the

driver door area and then there's a rear passenger door area and then there's the rear of the truck?

A Yes.

Q So where was Mike Brown standing alongside that vehicle?

A Along the front door of the vehicle.

Q Was his back to you at the time?

A Yes.

Q And so you said you saw some tussling or something at the car going on?

A Yes.

Q Could you see Mike Brown's hands?

A Yes.

Q And what were his hands doing?

A His hands were against a car.

Q Okay.

A Police car.

Q And you said you saw the officer's hands?

A I saw the officer's hands grabbing Mike Brown's shirt.

Q Okay. Was Mike Brown standing on his feet or was he leaning or slumped against the car or anything?

A He was leaning towards the car.

Q Was any part of his body inside the

vehicle?

A I couldn't see it.

Q Okay. And now earlier today you met with Detective , that was , the FBI agent?

A Yes.

Q They told you that they had a radio, or a POD cast recording that they thought might be your voice on the recording; is that right?

A Yes.

Q Did they play part of that for you?

A Yes.

Q Did you recognize, was that your voice?

A Yes.

Q And that was you who called in?

A Yes.

Q And that's the ?

A Yes.

Q He has a name for the show, but that's the host of the POD cast?

A Yes.

Q And so do you recall when you called in you told the host of the show that Mike Brown's head was inside the car?

A I just recall it today, I didn't realize

it at the time.
Q Okay.
A When I saw the video.
Q How many days after the shooting did you call the ?
A Maybe one or two days after, maybe.
Q Okay. And when you talked to him, you told him about what you had seen that day; is that right?
A Yes.
Q And so did you listen to your entire tape today or did you just listen to a part of it?
A The entire tape.
Q Okay. Do you recall today hearing your voice telling that Mike Brown had his head inside the vehicle and he was actually like in the windshield?
A Yes.
Q Okay. Today do you recall something differently or is it that wasn't true?
A Actually, it wasn't true.
Q Okay. So what you told on that show was not true?
A Yes.
Q And why did you say that if it wasn't

true?
A I do not know.
Q Okay. So you're saying today Mike Brown was standing outside the vehicle and no part of his body was inside the vehicle?
A His upper half was leaning in towards the door, the windshield, the window.
Q And you said he had both hands up against, I guess along the frame of the window, would that be fair to say?
A Yes.
Q Did you see anything in his hand?
A No.
Q Did you see anybody next to him at the vehicle?
A No.
Q And so now this is after the gunshot has already happened, correct?
A Yes.
Q Did you hear more than one gunshot while Mike Brown was next to the vehicle or just the one?
A I believe it was just one.
Q And then from the time you heard the gunshot until you looked out, was there any like, did it take you a few seconds to get to the window

or were you close enough that it was just a matter of turning and looking out the window?

A It was just a matter of turning and looking.

Q Okay. So within seconds after hearing the gunshot, you looked out and that's what you saw, Mike Brown at the window?

A Yes.

Q Now, you said that his back was to you?

A Yes.

Q So how could you see that the officer had ahold of the front of his shirt in the manner that you kind of demonstrated for us, how could Mike Brown's back was to you, how is it that you are seeing that?

A Because when Mike Brown pushed off the car, the shirt, the officer had shirt like this and I seen a tugging. (indicating)

Q Okay. All right. And so when Mike Brown pushed back off the car, did the officer lose his grip or let go of the shirt or stop holding the shirt at some point?

A Yes.

Q And what did Mike Brown do?

A He took off running down the street.

Q In which direction?
A Towards the other end, opposite direction of the car.
Q Okay. So eastbound on Canfield?
A Yes.
Q And did he stay in the street as he was running or did he go onto sidewalk?
A He stayed in the middle of the street.
Q Was he running like sprinting or was he just jogging or can you describe how quickly he might have been going?
A He was sprinting.
Q Did you notice at that point if you saw that he was injured, did he have blood on him or anything that you could see that might show you that he's injured?
A No.
Q So then what happens after Mike Brown starts to run west onto Canfield, east on Canfield?
A Well, Mike Brown took off running, the officer came after him, was chasing him.
Q Did the officer get out of the car?
A Yes.
Q Okay. How soon after Mike Brown ran away from the car was it instantaneous or was there a few

second pause?

A It was instantaneous.

Q So when he got out of the car, is that the first time you really could see the officer?

A Yes.

Q So how would you describe him?

A Caucasian.

Q Okay.

A That's about it.

Q Fat, skinny?

A No, I couldn't tell you.

Q Old, young?

A Young by, he wasn't old.

Q Did he have on a uniform?

A Yes, he did.

Q Shorts sleeves or long sleeves?

A Short sleeves.

Q Was he wearing a police hat?

A No.

Q When he got out of the car, did you see a gun?

A On the side, yes.

Q On the side of his body?

A Yes.

Q Was it in his holster?

A Yes.
Q Was his hand on the gun?
A I don't know.
Q Now, is that the first time you see the gun or did you see the gun when he was inside the car at all?
A That was the first time I seen the gun.
Q Okay. And so as Mike Brown is running away and the officer gets out of the car and he has his gun in his holster, is it in right on his right hip or his left hip?
A Approximately the right, right side, I'm not for sure.
Q So if he gets out of the driver's seat of his car, and his left side would be toward you then, correct. If he's driving the car and it is going to be facing this way, so his left hip is towards you, right? And if he gets out and if he turns toward the back of his car to go after Mike Brown, then his right hip is towards you?
A Okay.
Q So you're saying it was in his right hip?
A Yes.
Q And then what did the officer do?
A Chased after Mike Brown.

Q Okay. So he ran?
A He ran behind him, yes, chasing him.
Q And what happened as he was chasing Mike Brown?
A That I don't know. There was concrete barrier there, I couldn't see what happened after he caught up with him, I didn't see that.
Q Do you remember on the show saying the officer shot Mike Brown as Mike Brown was running away?
A I remember saying it now, yes, that's what I thought.
Q But today you didn't see that?
A No, I didn't.
Q And why did you say that on the show?
A That's what I thought the officer was shooting. It happened so fast, I thought he was shooting at him.
Q This all happened very fast?
A Yes.
Q Matter of how many, like --
A Seconds.
Q Second?
A Yes.
Q Less than a minute then?

A Yes.
Q So when the officer starts running after Michael, you said there is a point in time where a concrete barrier blocks your view?
A Yes.
Q And is this the barrier that is actually like where the staircase is?
A Yes.
Q Okay. So they're running in this direction, correct?
A Yes.
Q Did you ever see, did you see Mike Brown stop running?
A No, I didn't.
Q Okay. Did you see him being shot by the officer?
A No, I didn't.
Q Did you see him turn around?
A No, I didn't.
Q Did you see him come at the officer?
A No.
Q Did you see him put his hands in the air or hands down or hands at his sides or in front of his body at all?
A No, I didn't.

Q And so at some point is Mike Brown running east on Canfield, you lose sight of him and then you don't actually see the shooting?

A Right.

Q Now, and again, on the show which was a couple of days after this you said that you saw him shooting at Mike Brown as he ran and that you saw Mike Brown stop and turn around and then come back toward the officer?

A Yes.

Q Today you are saying you didn't see that?

A Right, I assumed that he did.

Q So when you said that on the show, that was just your assumption?

A Yes.

Q Why did you assume that, do you still assume that today?

A Because when Mike Brown is running he's running down the street and when I seen the body out there, he was turned the other direction towards the cop, towards the officer. So I assume that he was probably running towards him.

Q Okay.

A The reason the body was turned, facing him.

Q So you are basing that assumption just on the way the body was positioned in the street?
A Yes, when he was laying down.
Q And is he on his stomach or on his back or side?
A He was on his stomach, I believe.
Q So could you see how he was laying in the street from where you were, did you have to come up and go out onto the street?
A I came up and came out to the sidewalk and saw the body out there.
Q Did you, the entire incident that you witnessed, did you witness it from inside your apartment?
A Yes, the incident, yes, I did.
Q And do you recall telling on the show that you were outside on your patio and that one point when gunfire happened, you kind of ducked because you didn't want to get shot?
A Yes.
Q Okay. So is it today now you believe you were inside your apartment?
A I was inside my apartment.
Q Okay. So do you know why you would have told you were sitting on your patio when this

happened?

A No, I don't know why I told him that.

Q All right. And so did you see the officer as he was running after Mike Brown, did you ever see him fire his weapon?

A No, I did not.

Q Now, from what I understand, a lot of what you told you say is based on things that people said or you heard afterwards; is that right?

A That was my assumption what I told .

Q That's not based on what people in the complex were saying?

A I haven't talked to them.

Q You went up after the shooting?

A After the shooting I came up, yes.

Q There were lots of people that started gathering?

A That's when people started coming out of their apartments.

Q People were screaming and yelling and talking about, amongst themselves about what maybe had happened?

A Yes.

Q You didn't hear what people were saying then that he had his hand up?

A Yes, I heard a lot out there, yes.
Q And you said something about in your statement to that you don't know if he had his hands up or not because you didn't see that?
A I didn't see it. That's what the people said.
Q Did you ever hear the officer, were your windows open or closed?
A It was open.
Q Did you ever hear the officer saying anything?
A No, I didn't.
Q Did you ever hear Mike Brown saying anything?
A No.
Q If they had said something in a loud voice, would you have heard it?
A I believe so.
Q Now, you have glasses on, sir, do you need those to see distance or close?
A Distance.
Q Did you have your glasses on that day?
A Yes.
Q And with your glasses on, can you see distance fine?

A Yes.

Q How about your hearing, do you need anything to, have you ever been told that you have loss of hearing?

A No.

Q Your hearing is fine?

A Yes.

Q And so today you're saying that you saw the officer have ahold of Mike Brown's shirt. Did you ever see the vehicle moving like rocking or moving?

A No.

Q Like somebody, like there was something moving the vehicle back and forth?

A No.

Q Did you ever see any other cars that were lined up in the street, either behind the police vehicle or in front of the police vehicle?

A No.

Q So when Mike Brown ran, you didn't see him run past a couple of cars?

A No, there was no cars out there when I seen him running.

Q So you had made a statement on that show when asked you, based upon what you saw that

day, do you think the officer was justified in shooting Mike Brown? And you said, yes, I think he was. Do you remember saying that?

A Yes.

Q Why do you think that today, is that what you still think?

A Yes.

Q Okay. Why would you say that if you really didn't see what the final moments were?

A Because there was a struggle at the car. I thought maybe he was resisting arrest. I don't really know what happened.

Q You never saw anything in Mike Brown's hands, right?

A No, I didn't.

Q So you never saw him with a weapon?

A No.

Q When the officer got out of the vehicle and started chasing Mike Brown, did it look to you like he was injured?

A Mike Brown or the officer?

Q The officer, I'm sorry.

A The officer.

Q You never saw any blood on him?

A No, I did not.

Q You didn't see his face that he might have been hit in the face or anything?

A No, I couldn't tell.

Q Approximately how many gunshots total. There is one at the car and then about how many more gunshots do you hear?

A Approximately six, maybe.

Q Did you ever see the officer up by Mike Brown?

A I seen one officer standing around the body.

Q Was it the same officer who did the shooting?

A I don't know, I couldn't tell.

Q And then did you ever see the officer's car move or be moved after the shooting?

A No.

Q Did you ever see after you went up and you could see Mike Brown's body laying in the street, and we know that it took quite some time before they removed the body, did you ever see them move the body in any way like reposition it or move it somewhere else?

A No.

Q How long did you stay out on Canfield

after the shooting?

A For hours.

Q You heard people talking about what they saw?

A Yes.

Q Do you know a lot of your neighbors in the Canfield Green Apartments?

A No, I do not.

Q Do you know the names of anybody who, at least that day or any time afterwards you believe saw this and talked about what they saw?

A No, I don't.

Q Now, you also recorded some of this on your cell phone, correct?

A Yes, I did.

Q And you gave your phone to Detective for him to go make a copy of it, right?

A Yes.

Q And you looked at the video images after you did it, correct?

A Yes.

Q And actually the video is of the aftermath, you didn't capture the shooting on your video, is that fair to say?

A Yes.

Q And now, shortly after this happened, a bunch of police came and then a bunch more police came and the place became just kind of chaotic, would that be fair to say?

A Yes.

Q And then for several days after that and the next Saturday there were FBI agents and police knocking on doors doing what they call an area canvas. Have you ever heard that term a canvas?

A Yes, I heard of it.

Q And actually, some police knocked on your door and asked you if you saw anything that day, do you remember that?

A Yes.

Q And you told them no, you didn't see it?

A Yes.

Q So that was a lie?

A Yes.

Q Why didn't you tell the police you saw part of what happened?

A Fear, I didn't want to get involved.

Q And, in fact, you never came forward to the police, it was only after the police contacted you because they had heard this show and they thought for whatever reason that that might be you

on the show; is that right?

A Yes.

Q I subpoenaed you to be here today is that right?

A Yes.

Q Is what you said today truthful?

A Today, yes.

Q But you lied when you talked to on the POD cast?

A Yes. It wasn't totally a lie.

MS. ALIZADEH: Sheila, do you have any questions?

MS. WHIRLEY: We run out of time. Let the grand jurors, you guys have any questions?

Have you met with yet? I know he talked on the POD cast?

A . Have I met him? No.

On the POD cast, we're talking about how to handle it coming to St. Louis?

A I never met him.

: Meeting him, have you been threatened or anything by what you saw?

A No.

MS. ALIZADEH: Have you talked with anybody besides these grand jurors and and now

Detective and the FBI agent about what you saw Michael Brown this FBI agent about what you saw.

A No.

MS. WHIRLEY: Why did you call into with this story, you said it wasn't true, what made you call him to say these things?

A Well, at the time I was mad and upset. I wanted to talk to someone and he was there I could talk to.

MS. WHIRLEY: What were you mad and upset about?

A The incident happened outside my apartment.

MS. WHIRLEY: When you say mad, what were you mad about?

A I wasn't mad, basically upset, you know, just wanted to talk to someone.

MS. WHIRLEY: Who were you upset at, I'm just trying to understand.

A The situation, you know, body outside my apartment and, you know, the incident with the, you know, folks gathering around my apartment drinking and smoking and carrying on, I just wanted to vent.

MS. WHIRLEY: All right. Were you mad at the fact that Mike Brown was shot and dead in the

street or were you mad you thought Mike Brown did something or either one of those?

A Basically because, you know, the situation that was outside my apartment, folks gathering around. Like I said, drinking and smoking, you know, it was like a carnival out there.

MS. WHIRLEY: I see, okay.

. With everything that was going on at that time up there, and the proximity of the police officers in the area, did you not think to maybe call the police and tell them to get the people away from your door or what?

A The police was out there.

I understand that, I understand that, but just help me understand you said you were upset because people were out around your apartment and they were drinking and smoking, and whatever?

A Yes.

: Wouldn't it have been easier to, I'm just asking this for me to call 911, send some police up here, these people around my place, yada, yada, yada.

A I don't think they would came back.

You don't think so?

A No.

: Okay. That's fair enough.

MS. ALIZADEH: Anyone else?

. I know you said earlier they were outside your door drinking and smoking, it was like a carnival you said. Was it were they angry or was it a little bit celebratory, can you tell me the atmosphere of the people? Were you upset because you felt like it wasn't taken seriously, how do you explain your mindset?

A Well, to be honest with you, I think it was ridiculous. There's a right and wrong to do things, I feel they was going about it the wrong way, you know. It was just ridiculous. All of this stuff could have been avoided.

MS. ALIZADEH: Anyone else have a question?

(End of the testimony of)

State of Missouri
SS.
County of St. Louis

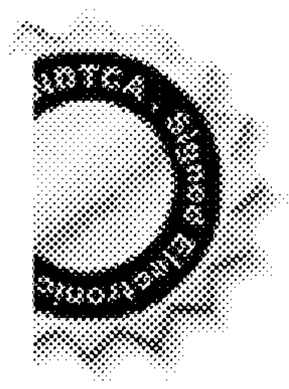
I, , a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to

and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.



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State of Missouri v. Darren Wilson

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DEPOSITION OF Grand Jury Volume XX

11/6/2014
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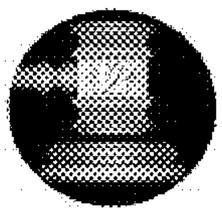
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Case: State of Missouri v. Darren Wilson

Grand Jury, Volume XXI

Date: November 13, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

November 10, 2014

VOLUME XXI

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 10th day of November, 2014, before

APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

Assistant Prosecuting Attorneys for St. Louis County

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

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GRAND JURY HEARING VOLUME XXI

MS. ALIZADEH: Good morning. It is Monday, November 10th. It is about 9:30 in the morning. This is Kathi Alizadeh, Sheila Whirley is here and all 12 grand jurors are here, as well as , the court reporter.

We started this morning with a conversation that was not on the record, but someone from the prosecutor's office has talked to the grand jurors about their concerns for security, safety and giving you some tips on how to be secure and safe from here on out.

I will stress again it is my 100, 110 percent sure that your identities will never be released by this office or by the courts. I'm aware that some of you are concerned that, you know, your identities might be discovered by people in the media or others, you know. We're doing our best that you are safe and secure after your service here no matter what your decision. And so that took up a little bit of time this morning.

So we are getting started this morning. I have Sergeant first, he's with the Ferguson Police Department, and he is in charge of their communications.

I will tell you that last week we had quite a bit of conversation, not conversation, testimony and evidence regarding radio communications, and regarding the county RIOT A channel.

I will tell you that after our last meeting, I think we met last Thursday was when we were last here, I have discovered that channel three is not the RIOT A channel in Ferguson.

So working under that assumption that it was, and there was some talk about having a map and so forth.

You remember who was here and testified, he's with county communications. He did a map for me that has the location of all of the county's voting receivers, you remember those ones that pick up the RIOT A channel.

There's also on the map where the Ferguson receiver is in relation to where the officer was, so I will hand out these maps.

(Grand Jury Exhibit Number 85 marked for identification.)

MS. ALIZADEH: I've marked my copy as Grand Jury Number 85. Mine is not in color.

There's a legend on this map that says

that incident. Okay. So he describes on the map incident and that would be what happened on Canfield. The location of where the incident occurred, okay.

And if you will look on the map, there's actually a little police car and that's on the map, that's him marking where the incident occurred on Canfield.

So in this legend it says, incident to Ferguson received, the main receiver at Ferguson Police Department is 1.57 miles from the place of the incident to the receiver.

So I'll pass those around. But my understanding now is that the RIOT A channel might not be relevant to our, to what you guys are looking at. Maybe it was informative, but we are going to have Sergeant talk about the Ferguson communications and how that works and what exactly, what channel is what and so forth, okay. So I will go get him and get started.

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Could you state your name and spell it for the court reporter?

A Sergeant

Q And Sergeant , where do you work?

A Ferguson Police Department.

Q How long have you been a police officer?

A With Ferguson, 27 years.

Q And prior to that?

A Three years with Bel-ridge.

Q All right. So 30 year police veteran?

A Yes.

Q And how long have you been a sergeant in Ferguson?

A Nine years.

Q And what are -- you're currently a sergeant as well?

A Yes.

Q What are your duties and responsibility as a sergeant in the City of Ferguson?

A I'm the supervisor for communications.

Q And so do you then, you're not a supervisor of a squad of police officers?

A No, ma'am. The only time I do that is when a supervisor goes on vacation and I will be a substitute until they get back.

Q So when you're talking about being in charge of communications, that would be 911 calls?

A Yes, ma'am.

Q So Ferguson receives and dispatches their own 911 calls, correct?

A Yes, ma'am.

Q That doesn't go through St. Louis County 911?

A No, ma'am.

Q Regarding radio traffic that gets called in from the officer's radios, you are in charge of that as well?

A Yes, ma'am.

Q And so we've heard a bit of testimony about radio traffic and how that works, but you, Ferguson dispatches for themself; is that right?

A Yes, ma'am.
Q So you in the Ferguson Police Department have an area where it's a communication center?
A Yes.
Q And the dispatchers work there?
A Yes, ma'am.
Q How many dispatchers are employed by the City of Ferguson?
A We have currently 14. Six of which are full-time dispatchers, the rest are part-time.
Q So how many dispatchers work a shift?
A I try to get at least two in there, sometimes there's three.
Q Does each dispatcher have their own console?
A Yes, ma'am.
Q And so when calls are coming in, can either dispatcher, if there is two working, can either dispatcher answer the call?
A Yes, ma'am.
Q And can each dispatcher hear what the officers were saying?
A Yes, ma'am.
Q And can each dispatcher hear each other?
A Yes.

Q So one dispatcher can hear the other dispatcher?

A Yes, uh-huh.

Q Are they in the same room physically?

A Yes, ma'am.

Q And so you and I had a conversation, was it last week that you came in to talk to me, I can't remember now?

A No, ma'am, this is the first time I've been in here.

Q Okay. We talked on the phone?

A Talked on the phone.

Q See, I knew I talked to you sometime. But we talked on the phone about the channels that Ferguson has, correct?

A Yes, ma'am.

Q So now you brought radio with you today, and this is a portable radio?

A Correct.

Q And so when an officer is on duty in a police vehicle, we have a mobile radio which is mounted in the car, correct?

A Yes.

Q And then he has a portable road?

A Yes.

Q And you are wearing your own portable radio, correct?

A Yes, ma'am.

Q And so do all the radios in Ferguson, the portables, are they all the same, do they all look the same?

A Yes, ma'am.

Q So the radio that you bought with you today, whose radio is that?

A That's Darren Wilson's.

Q Is each officer assigned his own portable radio?

A Yes, they are.

Q So do they generally then take it home with them at the end of their shift?

A They can take it home, they can do what they want with it. It is theirs.

Q So it doesn't go to another officer?

A No, ma'am.

Q And then, obviously, well, not obvious, well, let's talk about the cars. So the radio itself is mounted in a police car, that doesn't get removed, correct?

A Yes, ma'am.

Q That's the mobile?

A Yes.

Q And so does each officer have his own car to take home?

A No, ma'am. The only ones that have their own cars are resident officers that live in town that have their own car. The only thing they don't have in those resident cars are computers. Everything else is set up the same.

Q So we've seen pictures and heard testimony about Officer Wilson's car, that it was a Chevy Tahoe?

A Yes, ma'am.

Q Are all the Ferguson police vehicles like that?

A No, ma'am. We have one Chevy detective car, it's an Impala. And then we also have Crown Vics that are weeding out of the system.

Q So the Tahoes are newer?

A Yes, they are.

Q And so Officer Wilson's car had a mobile radio and then it also had a computer in it; is that right?

A Yes, it is.

Q And you said that the resident officer, people who live in the city limits get to take a car

home?

A Yes, ma'am.

Q But they don't have computers?

A No.

Q Was Darren Wilson a resident officer?

A No, ma'am.

Q So when you are done with your shift as an officer, if you're not a resident officer, you take your car back to the station and then get your personal car and go home?

A Yes, ma'am.

Q And then is that vehicle put back in service like on the next shift?

A Yes, it is.

Q Okay. Um, so each car has a number; is that right?

A Yes, ma'am.

Q And so when a radio in a car calls out, can the dispatcher tell by the signal which car it is?

A No, ma'am. The only time you can tell which vehicle it is if the alert tone is sounded, that's the emergency alert tone. It will come up with what they call an alias on the screen and that will tell which vehicle it is so that dispatcher is

aware.

Q And so we already heard some testimony about the alert tone, and that's the orange button that's on the mobile, the portable; is that right?

A Yes, ma'am, it is this button.

Q There's an orange alert button also on the mobile radio inside the car, correct?

A Yes, there is.

Q And so if an officer activates that alert button, can the dispatcher tell what radio it is by his car 108?

A Yes, ma'am.

Q And, obviously, each officer has their own radio, they would know whose radio it is?

A Yes.

Q If it is a portable?

A Yes. It comes up on a screen with their name and also the radio number.

Q Okay. And then you also told me that it would say M, for mobile or P, is there P for portable?

A That's on the new system for the cars. If the cars, the alias will come up with the last letter M is for mobile. When we switch over to the new radio system, that will still be with a P for

portable, but we do not have that yet.

Q We heard some talk about the County installing or putting in place this new 800 megahertz radio communication system; is that right?

A Yes, ma'am.

Q But you are not apart of that yet?

A Not yet.

Q So the radio system that you are using today, is that the same radio system that was in place on August 9th?

A Yes, ma'am.

Q So everything that we're talking about so far was the way it was on August 9th?

A Yes, ma'am.

Q And so if an officer hits that alert tone, we have already heard what happens then, but the dispatcher is able to tell at least whether it is a mobile radio or a portable radio?

A Yes, ma'am.

Q And then the dispatcher would know by the radio number whose portable it was?

A Yes.

Q And they also know if it is a mobile radio, what car it's in?

A Right.

Q All right. And so the radio that you brought with you, you said is Darren Wilson's radio, correct?

A Yes, ma'am.

Q And you took the back off of it to show me something earlier today?

A Yes, it is the radio. Each radio comes with a number, either their DSN is on there or their name is the put on the radio itself. And it coincides with the inventory list that is made up when the radio is passed out.

Q And so you just took the back off of that portable radio and what's written on the inside of it?

A D. Wilson, radio 99.

Q And so is 99 the radio number or is that his DSN?

A That is the radio number.

Q Okay. And so if ever, I mean, all the radios look alike. If ever two radios would get mixed up, you would be able to open that up, anybody could open it up and see whose it is?

A Yes, ma'am. We can also look at the serial number also on there and determine whose it is.

(Grand jury Exhibit Number 90 marked for identification.)

Q (By Ms. Alizadeh) I'm going to hand you what I marked as Grand Jury Exhibit 90. You brought with you today some paperwork about the communication system and who is assigned to what radio and so forth; is that right?

A Yes, ma'am.

Q I am going to show you Grand Jury Exhibit Number 90. It says portable radio inventory. Did you print that off and bring it with you this morning?

A Yes, I did.

Q What does this show?

A This is telling me who has the radio, model number of the radio, the number of the radio and also the serial number of the radio.

It also tells me if it has a mike attached to it.

Q Okay.

A Whose the patrol detectives, or the jail, who has the radio.

Q Okay. So now in the column that says assignment vehicle, personnel, spare, cash, et cetera, it has officer's DSN as opposed to their

names, correct?
A Yes.
Q What is Officer Wilson's DSN?
A 609.
Q So on this record then we can see that DSN 609 has radio HT750 and then in the corner it says 99, who wrote that?
A I wrote that.
Q Did you write that prior to coming today?
A No, a lot of these when we were doing inventories, either the officer was off that day or they were on vacation. And I, as you can see there, is like unknown what their numbers are.

So when they come back on duty, then I can get with them and find out what their number is and I will write it in.
Q Okay. I'm going to pass copies of this around to everybody.

And so not only can you tell that that's Officer Wilson's radio by looking in the back, but also you can double check with the inventory that you have to make sure that the serial number on that radio is the same as the radio assigned to him, correct?
A Yes, ma'am.

Q Okay. And so again, when a radio, when somebody on a portable radio calls in to dispatch, is there anything on a screen that tells that dispatcher who it is?

A No, ma'am.

Q And so how is it that officers then will typically identify themselves when they are calling in?

A They have sectors. And that's determined when they come in in the morning and they are doing the roll call, the supervisor will give them a sector. That sector number, which will be like maybe F22, F23, that's their sector number, that's their call sign for dispatch.

Q Is that permanently their sector number or does it change on a regular basis?

A It changes on a regular basis. They do what they call a rotation of sector.

Q Okay. So is a sector a geographic area?

A Yes, it is.

Q How many sectors are there in Ferguson?

A There's four.

Q So at any given time, how many officers are on assignment in a sector?

A One officer will take care of their

sector. And then usually if the squad has a full amount of officers, they will have what they call cover cars. Those cover cars will assist the sectors on any calls.

So if you have a sector car, say F25 goes out on a call, a sick case and he's tied up on that sick case, dispatch will know that. She will send a cover car to take another call in his sector.

Q So each sector has one officer that is assigned to it for that shift?

A Yes, ma'am.

Q And then how many cover cars are out on any given shift?

A It can range from maybe one to three, and I've even seen four, depending on how many people are working that day.

Q So the cover car is kind of roaming around the city and can go anywhere whereas the sector car is going to stay in their own sector?

A Yes, ma'am.

Q Unless they have to leave their sector for whatever reason?

A Right.

Q And then on any given shift, there's a supervisor on duty, correct?

A Yes, there is.

Q How many supervisors?

A There is usually two lieutenants and a sergeant.

Q Okay. So the sergeant would be directly in charge of the officers that are riding around in their sector and the cover cars?

A Yes, ma'am.

Q And then is that sergeant generally also in uniform in a patrol car patrolling the city?

A Yes, ma'am.

Q And then what's the lieutenant doing?

A He's usually in the station doing paperwork, doing the reports. When he usually gets called, caught up with the paperwork he'll come out on patrol also to assist.

Q So on any given shift there's just one shift working, so there would be one sergeant and four sector cars and maybe one to three cover cars?

A Yes, ma'am.

: . When an officer, when a sector car is out on duty and he takes a call.

A Uh-huh.

Does the cover car, do he

calls in and let you know, I'm in position to take this matter, this issue, blah, blah, blah. Does the cover car gets called in to let him know, okay, I need the cover car to service the area or how it works?

A I know what you are saying.

: Okay.

A Usually it works like this. If I call a car to a sector and that car is out on a sick case, the cover car automatically hears that they kind of move over to that area.

Okay.

A They are not actually told to cover it, but just in experience, they will move to that area knowing that something could break out in there so they have coverage. So it is mainly the officer, it takes the experience of the officer to hear that and he'll move over into that area.

The cover car should be able to hear?

A Oh, yeah.

: Okay. I lost my thought.

A Sometimes you'll hear a supervisor get on the radio and say Frank 28 centralized. That means they want him to move in closer to his area to cover

it.

Okay. You answered it, okay, thanks.

Q (By Ms. Alizadeh) So when an officer is on duty and patrolling, is he by himself in his vehicle?

A Yes, ma'am.

Q And currently you have two officers patrolling together; is that right?

A Yes.

Q And that's because of the unrest that has happened since August 9th?

A Yes, ma'am.

Q Prior to August 9th you would have one man per car?

A Yes, ma'am.

Q And so if the officers are out on patrol, you had people already testify that in the mobile car you can have like one channel tuned in and you can have a different channel tuned in on your portable. Are the officers to be monitoring the dispatch channel at all times?

A They do. You've got to remember the mobile units have what they call a scan portion in it and dispatch is put in on a priority button. So

even if you are on scan and say RIOT A comes up on your radio and they're listening to the RIOT channel. As soon as dispatch hits their key in dispatch, it will cut them off and put them in priority. So they're constantly monitoring that dispatch channel.

Q So the dispatcher at the station, she's on a transmitter, he or she is on a transmitter. Do you know how many watts that transmitter is?

A No, I don't.

Q Can anybody in the city typically hear the transmission from the dispatcher?

A They can. Sometimes you do miss calls.

Q And so, you know, we talked earlier about this say, for example, an officer is going to go on a sick call, we've talked about, that would be something that is like short of breath or there has been somebody faint or something, so the officer is going to go to a residence and they're going to walk up to the house. So they leave their mobile car, the mobile radio in their car and now they're on their walkie-talkie or their portable, right?

A Yes, ma'am.

Q And so you've told me that it is not unusual, or even it might be typical that the

officer once he makes contact or goes into the residence, might even turn down the volume on his radio and why is that?

A That's to, when an officer goes into a sick case, we have a lot of elderly folks, they are hard to hear. An officer will walk up and just turn the radio down a portion just so they can hear. You can hear it through the mike, you don't hear it through the receiver itself, you hear it through the mike so it is pretty close. Even when it's down you can hear it.

They want to have all of their attention on that person or patient and not listen to a bunch of garble.

Q Okay. So is it also possible that if you're on your portable radio and say you go into a building or whatever, that your radio might not actually receive a call because of you being inside a building?

A Right. We have a lot of problems in what we call one sector where Wal-Mart and Sam's. Because of the metal building, our walkies won't get out. A lot of time they can hear at dispatch, but officers can't call out.

Q And if an officer is on the dispatch

channel and calls out, if that call is not heard by dispatch, how does the officer know that?

A Say it again?

Q If the officer calls out on the dispatch channel.

A Okay.

Q And let's say that the dispatch doesn't get that call, they don't hear it or they can't make it out?

A Uh-huh.

Q How does the officer, how might you know that?

A Dispatch would constantly try to get in contact with the officer. All dispatchers have their cell phone numbers for officers. They have a paper in front of them. It is in a book. If they can't get ahold of an officer, a lot of time, say they pick up shoplifter at Wal-Mart, they will attempt to call that officer several times. And if they can't get him, they realize they are in a metal building. So they'll right away get either on their cell phone or they will call Wal-Mart store to get ahold of them.

Q So if an officer actually calls, makes a call on his mike.

A Okay.

Q And that doesn't get received, there's no tone or anything that tells him it wasn't received, correct?

A No, no.

Q And so are there times then when the officer, so when an officer makes a call into dispatch and he may or may not use his call signal for that day, correct?

A Right.

Q And so he may call in Frank 21 and then dispatch will say Frank 21 repeat, to let him know I heard you?

A Right.

(Grand jury Exhibit Number 87 marked for identification.)

Q (By Ms. Alizadeh) Okay. And I'm going to hand you what is marked as Grand Jury Exhibit Number 87. This is another document that you brought with me today, or brought with you. This is entitled Federal Communication Commission Public Safety and Homeland Security Bureau Radio Station Authorization.

Does this document indicate what your callers are or whatever?

A Yes, ma'am. This is framed and put in our dispatch and hanging on the wall. This is our actual license to use the radio.

Q Okay.

A And there's a call sign at the top, it's KAG843. That's what dispatchers use that number to tell other departments that they're clear on different calls.

Q I am going to pass that out as well to everyone.

And then I'm also going to show you Grand Jury Exhibit Number 89. You brought that with you today too, right?

A Yes, ma'am.

Q So this is something that looks like you printed off on your computer; is that right?

A Yes, ma'am.

Q Is this a Word document or something?

A Yes, it is actually an email.

Q An email?

A Uh-huh.

Q So now what is this that you are showing me?

A Last, it is probably around April we started getting from St. Louis County our new radio

systems came in for the mobiles and we are supposed to set up some time for all of our vehicles to be taken to Wireless USA, which is in Maryland Heights to get new radios put in.

This here is an appointment list, so to speak, telling me what cars need to go, what time and date they need to arrive there to get the car radio put in.

Q Do you know back in August what car Darren Wilson was in? Let me ask you this, would he always be in the same car every time he was on shift or does he just get a different car every time?

A They usually stay in the same car unless it is out for service or something is wrong with the vehicle.

Q Okay. How about vehicle 108?

A Yes, ma'am.

Q Does that document show whether or not that vehicle had a new mobile radio put in?

A Yes, ma'am.

Q When did that happen?

A May the 28th.

Q Okay. So as of May of this year, car 108 had a new mobile radio put in it?

A Yes, ma'am.

Q What about the walkie-talkies, were those replaced as well?

A No, ma'am, they're still the same ones.

Q Okay. And we've already heard testimony that the walkie-talkies are 5 watts and the mobile radio are 10-watt, is that still true?

A Yes, ma'am.

Q Okay. And in your experience as an officer patrolling the streets of Ferguson, is it unusual for an officer to transmit a call from his portable radio that dispatch does not get?

A No.

Q And why would that be?

A It could be a lot of circumstances. It could be the terrain, it could be any number of things where the officer is at if he's in a building, depending on if he's in concrete, if he's in a basement.

Q Are there particular areas of the city where transmissions are poor?

A Yes, ma'am.

Q And have you heard the phrase, dead zone?

A Yes, ma'am.

Q Is that an area where it might have poor transmission?

A Yes.

Q Do you know where the deadzones are in the City of Ferguson?

A Yes, ma'am.

Q What about the area of Canfield Green Apartment Complex, is that a dead zone?

A That could be considered a dead zone.

Q Okay. So is it sometimes difficult to get transmissions from a portable from that dead zone area?

A Yes.

Q And you and I and one of your dispatchers actually sat and listened to a lot of calls this morning; is that right?

A Yes, ma'am.

Q And we're going to hear those calls, but are there times when a call might just be static?

A Yes.

Q And that might be somebody calling in for some reason, the signal strength does not allow him to be heard?

A Right.

Q And are there times when there are calls when you can kind of hear garbled talking?

A Uh-huh.

Q Would that also be, again, possibly their signal is weak or there might be some building in between that transmitter and the receiver?

A That could be a number of things. That could be either the signal is weak, could be that somebody is walking on them, meaning somebody is trying to call in at the same time they're talking.

Q Okay. And when that happens, is it the stronger signal that walks on top of the other call?

A Yes, it is.

Q It doesn't matter who keys their mike up first?

A No.

Q If somebody keys their mike up and starts talking and the stronger signal keeps their mike up, the person who is weaker will cut out?

A Correct. Usually that happens when an officer's in a vehicle with a higher range of power and it will cut the walkie.

Q Okay. And so the walkies or the portables being the weaker signal, you would find that that would be something that would occur most often with a portable?

A Yes.

Q Now, we talked about in our phone

conversation last week, we talked about the channels that Ferguson has, correct?

A Yes, ma'am.

Q Now, on your radios we already have heard that there are 16 selectors or positions that you can have, 16 channels. How many channels does Ferguson use?

A We use two, or ten.

Q Ten channels?

A Ten channels.

Q Are those one through ten or do you skip a number?

A It is one through ten.

Q And so did I ask you or did you provide for me a list of what channel is what today?

A Yes, ma'am.

(Grand Jury Exhibit Number 88 marked for identification.)

Q (By Ms. Alizadeh) I'm going to show you Grand Jury Exhibit Number 88. Is that what you gave me today that list what channels are what?

A Yes, it is.

Q And now, so I'm going to pass this out as well.

So on that list it shows that channel

one is the dispatch channel?
A Yes, ma'am.
Q And then channel two is?
A We used to have Cool Valley on our channel, they're not with us any more, but it's our backup channel they call it.
Q Okay. And then channel three is what?
A North County Fire Department.
Q Okay.
A Fire district actually.
Q And so channel three the North County Fire District back on August 9th?
A Yes, it was.
Q And then channel four is what?
A That's used to be the old Public Works slot. They went ahead and put Hazelwood and surrounding municipalities on there as a receive only so we can hear what's going on.
Q And then number five?
A Number five is your RIOT A channel.
Q So that's the county's RIOT A channel?
A Yes, ma'am.
Q And then number six?
A Number six is mutual aid.
Q We've heard mutual aid, what is that

channel for?

A Mutual aid is used like for airplane crashes, disasters, it is a whole bunch of people getting on there.

Q Okay. And then channel eight is what?

A Point-to-point.

Q And that is you've got here, UMCL, what does that mean?

A That's UMCL and another surrounding area we can hear also.

Q So that's a point-to-point channel?

A No, ma'am, that's just another channel where we hear other municipalities.

Q Number nine?

A Berkeley.

Q And ten?

A Is North County Muni.

Q Okay. Now on some of these channels such as number three, number four, number nine, I'm sorry, I skipped, number seven, number eight, number nine and ten, you have here REC, only. What does that mean?

A Those are receive only. You can only hear the people, you cannot talk or transmit back to them.

Q All right. And so is channel three a receive only channel?

A Yes, ma'am.

Q So an officer whose walkie-talkie is on channel three, he can hear somebody transmitting on that channel, but he can't transmit on that channel?

A No, ma'am.

Q How about dispatch, if dispatch is on channel three, can they transmit on that channel?

A Yes, they can.

Q Can they also hear what is being received on that channel?

A Yes, ma'am.

Q And then so we also talked earlier today about when an officer's radio is on channel three, and you demonstrated for me if an officer has his radio tuned to a receive only channel, does he get a tone on that radio?

A Yes, he does.

Q And what's the purpose of that?

A Telling that person that you need to get on a transmission station, you're on a receive only.

Q So does that tone play when you switch to that channel or does it only play if you key up the mike?

A The only time it plays a tone if you switch to the channel as if that's just a dead channel completely. If it isn't, you can switch it to that channel, but as soon as you key up on it, it will make the same tone.

Q So like you don't have channel 12 in Ferguson, correct?

A No, ma'am.

Q So if you switch the radio to channel 12, you're going to hear a tone?

A As soon as you switch to it.

Q That tone comes out of the mike?

A It actually comes out of both the receive and the mike.

Q So if it is not a dead channel, so it is like channel three, a receive only channel, you have to actually key up the mike to hear that tone?

A You actually don't know until you key up. It is quiet until you try to transmit and then it will make a loud tone.

Q You did that for me in my office, correct?

A Yes, ma'am.

Q We experimented, there is a volume button on your radio, correct?

A Yes, ma'am.

Q And the volume button, obviously, turns the volume down on the radio, correct?
A Yes.
Q Does it turn that tone down as well?
A It turns it down, but you can still hear it, still audible.
Q Y'all want to hear him play that tone on the radio.
(All grand jurors indicate yes.)
A You get the chirp turning the radio on.
Q Okay.
A This is channel three, it is dead, it is silent. (indicating) That's what the officer would hear, that's telling him, hey, get on a different channel, you are a receive only. A dead channel would be as soon as you hit that dead channel, it tones.
Q Okay. Put it on a dead channel for me, now turn the volume all the way down. Okay. So you still hear a tone, but it is a lot quieter?
A Right.
Q It does come out of mike that is next to your ear?
A Yes.
Q And it comes out of the actual portable

radio too?

A Yes.

Q And if you are on a receive only channel, it would only happen once you key up the mike?

A Right.

Q All right. So let's see. I think I've passed everything out that I brought with except there is something I didn't know that it has the receipts, you brought some receipts. They don't need to --

A I think you have those.

Q I have those, yeah. Okay. So Sergeant , I'm saying CAD is capital C-A-D?

A Yes, ma'am.

Q What does CAD stand for?

A That's Computed Aided Dispatch.

Q What is CAD, what is the CAD system?

A That's when we have calls, we have a ITI system it is called. And what they do, the call will come out, dispatchers use that for the reporting. The officer can write in there what they did. There is a report that doesn't need to be taken, an official report, they can put, it is like a little entry in there for notes. What he did when he was on the call, that way that's always in there.

Q So this is via computer?
A Yes, it is.
Q Doesn't come across your radio?
A No, ma'am.
Q And so the dispatcher when she takes a call and she hears an officer call in and say something.
A Uh-huh.
Q And then she would have to separately enter in a call on the computer in the CAD system?
A Yes.
Q So she puts some kind of notes related to this call?
A Yes.
Q And then that information, that CAD information, does that show up in the officer's computers in their cars?
A Yes, it does.
Q And then the officers can also enter things in the CAD system, correct?
A Yes, they can.
Q And if the officer does, does the dispatcher see that on her computer as well?
A Yes.
Q And can each car see what the other cars

are entering?
A Yes. The only thing they can't do is correct something.
Q They can't change somebody else's entry?
A No, ma'am.
Q How about dispatch, can she change it?
A No, ma'am. Only a supervisor can do that.
Q Now, let's talk about internal clock. We talked about this you and I. So when a call is received by an officer into dispatch, there's a clock in dispatch that the dispatchers use, correct?
A Yes, ma'am.
Q And it is physically a digital clock that sits there, correct?
A Yes.
Q And is that clock the accurate time?
A Yes, ma'am.
Q I don't even know what the accurate, there is some kind atomic, I was going to say nuclear. Some type atomic clock in some mountain state some place, so that clock is the exact time, correct?
A Yes, ma'am.
Q So sometimes when the dispatcher responding, or involved in a call she will actually call out the time 11:36?

A Yes, ma'am.
Q She's getting that from her clock?
A Yes.
Q Now, when a dispatch call comes in and might be answered by the dispatcher, does the computer give that call a date and time?
A Yes.
Q And is that the same time that might be on the call clock that the dispatcher is looking at?
A Yes, it is.
Q Is it ever off, have you had occasions to see that those two times are not the same?
A Sometimes they do get unsynchronized. The main problem we have is the 911 system, it is not synchronized.
Q So let's talk about the 911 system. I think you already said Ferguson does their own 911 calls, correct?
A Yes, uh-huh.
Q So the dispatcher handles those as well?
A Yes, they do.
Q Those are separate from the radio traffic, but they still come from the dispatcher?
A Yes.
Q Those calls also have a date and time

assigned by the computer?
A Yes.
Q And so you're saying that you had problems with that internal clock for the 911 calls?
A Yes.
Q And how many minutes have they been off in the past?
A I've seen it as much as 21 minutes off.
Q Okay. So if you are, would it be fair to say then that if you're going to look back at your 911 calls and the record of the calls, the time that's listed for those calls on the computer are not necessarily accurate?
A Right.
Q Okay. And you also said that it might be that the actual dispatch call radio traffic, that might be not in sync with the actual clock that the dispatcher is looking at?
A Exactly.
Q And are all radio traffic calls recorded?
A Yes, ma'am.
Q And how long -- do you keep those recordings in Ferguson?
A Yes, ma'am.
Q And how long does Ferguson keep those

recorded calls?
A 90 days.
Q Is it automatic?
A Yes, it automatically covers itself.
Q What about the 911 calls, does Ferguson record those?
A Yes, ma'am.
Q Are those also dumped after 90 days?
A Yes, ma'am.
Q If you need to retrieve a call, though, prior to it being dumped after 90 days, can you burn those calls on a disc?
A Prior, yes.
Q Prior to them being dumped?
A Yes, ma'am.
Q And once they're dumped, their gone forever?
A Yes, ma'am.
Q So now you and I and your dispatcher listened to some calls this morning?
A Yes, ma'am.
Q You guys were here extra early at 6:30 this morning and we were listening to calls?
A Yes, ma'am.
Q And with the help of the two of you, you

were helping me understand what was being said and what was going on in these calls, correct?

A Yes, ma'am.

Q Now, you testified that each officer has a call number assigned to him?

A Yes, ma'am.

Q And depending on the day or the shift that call number could be different?

A Right.

Q But does the dispatcher have a roster for that day with the call number?

A Yes, supervisor brings one up to her.

Q Every day?

A Yes, ma'am, every shift.

Q So Frank 24 on Monday might be , but, well, actually Frank 24 is the supervisor, isn't it?

A No.

Q No.

A Frank 24, on what day?

Q You're right, I was thinking of is 23.

A Yes, that's the only number that will stay the same.

Q The supervisor number always stays the

same, but the officers call number can change from day-to-day?

A Yes, ma'am.

Q So did you and your dispatcher and I listen to these calls that we were listening to today, did we figure out what numbers were what officers?

A Yes.

Q You recognize the voices of a lot of these officers, is that fair to say?

A Yes, ma'am.

Q And your dispatcher, she listens to these same officers every day, did she indicate that she recognizes people's voices?

A Yes.

Q So take notes because I don't have this written down, I don't have this down. So on August 9th for the calls that we were listening to today, Frank 21 was Darren Wilson, correct?

A Yes, ma'am.

Q And Frank 22, was it ?

A .

Q And Frank 23 was Sergeant ?

A Yes.

Q Frank 24 was Officer ?

A .

Q Frank 25, what is first name?

A .

Q Officer and that's

Officer 26, Frank 26 that day was your canine officer?

A Yes, that's Officer

Q .

A Two s.

Q ?

A Yes, ma'am.

Q . What's his first name?

A That's .

Q ?

A Uh-huh.

Q And Officer Frank 41 that day?

A That's Officer .

Q What's his first name?

A .

Q And then on that, again, supervisor Lieutenant is heard on some of these calls, correct?

A Yes, he is. First name

Q And does he use a Frank number on these

calls or did he use his DSN?
A He uses his DSN on this call.
Q Just to make this even more confusing, each officer has a DSN, correct?
A Department serial number.
Q That is their number always?
A Yes, ma'am.
Q And then you are assigned to a car that has a car number, correct?
A Yes, ma'am.
Q And that may change?
A Yes.
Q But it generally stays the same?
A Stays the same.
Q And then the officer has a call signal Frank 21 and Frank 24. And each officer for the shift has a different call center, correct?
A Yes, ma'am.
Q But that may change the next day?
A Yes.
Q And then each officer has his own walkie-talkie?
A Yes, ma'am.
Q That he takes with him and may take home, correct?

A Yes.

Q Okay. Are we thoroughly confused?

MS. WHIRLEY: We have a question.

: I didn't get that last one, I got Frank 41 was , who was the last one?

MS. ALIZADEH: Lieutenant .

and you said ?

A It is .

: And he just uses a DSN?

A Yes, on that call that night. He was off that day. He is a resident officer.

Q (By Ms. Alizadeh) I'm setting this up because we are going to hear some calls and I've got a transcript and the officers are identified by their number like 21, 22, 24, okay.

So you and I and your dispatcher sat down and we went over these calls this morning and I actually made some changes on the transcript as you would be telling me oh, that's so and so.

A Right.

Q So sometimes when the officer calls in they don't identify themselves by their signal or their call number, correct?

A No, ma'am.

Q And sometimes when the officers call, they can talk to each other, correct?

A Yes, ma'am.

Q And sometimes they use their first names?

A Yes.

Q , , we hear on the transmissions, correct?

A Right.

Q Okay. Now, we're going to play the call with the dispatcher. So her voice is heard on this as well and she can identify people as well, but for the purposes of understanding how the communication system in Ferguson works or any of the testimony from this witness, does anybody have any questions or additional questions?

MS. WHIRLEY: I do.

MS. ALIZADEH: Sheila, sorry, go ahead.

MS. WHIRLEY: What sector is Canfield Green Apartment?

A That's four sector.

MS. WHIRLEY: That's four sector?

A Four sector.

MS. WHIRLEY: How many people are assigned to that sector on August 9th?

A That's just one officer.

MS. WHIRLEY: Just Officer Wilson?

A No, ma'am. It was Officer .

MS. WHIRLEY: Okay. Was Wilson the cover car?

A No, ma'am. He was 21. He's actually one sector, that's up by the highway.

MS. WHIRLEY: All right. So I guess I don't understand, he was patrolling that sector, but that was not his sector.

A He was assisting on a call.

MS. WHIRLEY: Okay. That's why he was there at that location?

A Yes, ma'am.

MS. WHIRLEY: His radio was operable that day?

A Yes, ma'am.

MS. WHIRLEY: And I know the dispatcher has got to do the calls with us. So you may or may not know the answer to this question, but I'd like to know the amount of time from when Wilson called out in Canfield, you remember that call?

A Yes, ma'am.

MS. WHIRLEY: He says I've got two subjects, or something to that effect?

A Uh-huh.

MS. WHIRLEY: The time between then and when his assistance arrived, would you know that or we need to listen to the dispatcher?

A You could probably hear that on the tape.

MS. WHIRLEY: You don't know that timeframe?

A No, ma'am. It was pretty instantaneous though.

MS. WHIRLEY: When he first called, he had two on Canfield, his assistance came from quickly.

A If I remember right, I'll be out with two, send me another car.

MS. WHIRLEY: Right.

A And Frank 25 is the one who responded to you. Could hear him with his engine and the car going to the scene, he gets there pretty quick.

MS. WHIRLEY: Okay. We don't know the time, we might be able to figure out?

A You can probably figure it out.

MS. WHIRLEY: Okay. Now that emergency alert tone, that orange button, are officers trained on that or taught, is that ever discussed with the officers as to when it is appropriate to use that?

A Yes, that's one of the first things they are taught on is that alert tone because that's

their lifeline.

We do also do radio checks every Sunday on the midnight shift for alert tone test to make sure that the alert tone is still working.

We also do that with cars too, so that's all done on a Sunday evening when they're somewhat quiet.

Each officer that's working will have to hit their alert tone so we know that walkie is working then. If it isn't, we know to take it out and get them another walkie and get it repaired.

MS. WHIRLEY: So they do that on a weekly basis?

A Yes, ma'am, it's every Sunday night on the midnight shift.

MS. WHIRLEY: So that's a pretty important part on knowing how to communicate for your life?

A Yes, it is.

. It doesn't matter what radio frequency that you are on if you hit that alert button?

A It could be on any channel and you hit that alert tone and it takes it over. It basically takes the radio from you so to speak.

Okay.

MS. WHIRLEY: When they hit that alert button, the dispatcher immediately knows who is hitting it and what to do?

A Yes, ma'am. There's a screen up in front of each dispatcher. It's a radio screen and up in the corner it will tell whose walkie it is by name and the walkie number.

MS. WHIRLEY: When that button is hit, what is the dispatcher, what is she supposed to do or he?

A They ask right away, everything else quits all the traffic dies down. She gets on there and asks, you know, who the walkie is, are you okay. Everything 10-4 and then he's supposed to respond back.

MS. WHIRLEY: And if he doesn't?

A If he doesn't, then they start doing a roll call finding out where everybody is at.

MS. WHIRLEY: So it is a huge deal?

A Yes.

MS. WHIRLEY: All right. Why would officers be on the RIOT channel.

A On the RIOT channel?

MS. WHIRLEY: Yeah.

A That's for say to cover another St. Louis

County maybe has something big going on, so they'll get on that channel.

MS. WHIRLEY: Just to hear what's going on because they are not responding to the calls generally?

A No, huh-uh. But that's put into a scan mode so the officer doesn't actually physically switch to that channel. It is automatically scanning that channel. So if there's a transmission on that channel it will come up. But if dispatch wants to get ahold of them, it will supersede that channel and take over.

So it is on a priority button.

MS. WHIRLEY: Okay. So if you are scanning the County's RIOT channel, that's not going to interfere with your dispatcher communicating with you or you communicating with your dispatcher?

A Not at all.

MS. WHIRLEY: Does Ferguson have its own RIOT channel?

A No, ma'am.

MS. WHIRLEY: Okay. Any problems, you may have answered this, I'm not certain. Any problems with the walkies, the walkie-talkies call and receiving calls at Canfield Green? You mention kind

of dead zone, or could be. I wasn't sure what that meant.

A Some walkies have a problem with it. You have got to remember Canfield used to be a golf course, a lot of hills and a lot of terrain, different terrain in there.

If you're standing a certain way, that walkie will not get out. Then if you just move 2 feet over, you have got transmission. It is just a weird, the way the terrain is.

MS. WHIRLEY: Okay. Do you have your officers complaining who work in Canfield Green, hey, I'm not getting my calls or I can't send you my location.

A Yes. We have a few. It mainly happens in one sector, not in four sector.

MS. WHIRLEY: And the sector that you're talking about is sector four?

A Yes, ma'am.

MS. WHIRLEY: Does that mainly happen in a sector?

A It happens occasionally, not as often as in one.

MS. WHIRLEY: Okay.

A If the repeater is not working right or if

we have what they call a Dellwood repeater, it is right there by the Dellwood Civic Center. It is on a separate tower. If that isn't working correctly, you will have problems getting out in one sector. We go all the way to Old Halls Ferry and 270. If you're on a walkie-talkie on an accident, you won't hear that officer. Now the other officer assisting him can, he can relay the message.

MS. WHIRLEY: On channel three, which is what I think Darren Wilson may have been on; is that correct or do you know?

A I don't know.

MS. WHIRLEY: You said on your channel three, the dispatch can hear and receive, right?

A Yes.

MS. WHIRLEY: On channel three. Can they transmit too.

A Yes, I'm sure. Yeah. That's a North County fire channel. So they'll need to be able to transmit with our fire department.

MS. WHIRLEY: Okay.

A When our fire department goes 10-8 from a call, a fire call, they'll transmit on that.

MS. WHIRLEY: So that channel was monitored all the time?

A Yes, ma'am.

MS. WHIRLEY: Is it recorded also?

A Yes, ma'am.

MS. WHIRLEY: So if an officer is on channel three and asks for assistance and puts out shots fired, it should be recorded somewhere?

A You're not going to hear it, it is receive only.

MS. WHIRLEY: It is receive only from that officer?

A From the channel. The officer will not be able to transmit.

MS. WHIRLEY: I'm sorry, you did explain that. When you hit that channel we're going to hear --

A You are going hear that tone.

MS. WHIRLEY: The purpose of the tone is what?

A To move to a different channel that is transmittable. It is a safety feature. It is in the walkie-talkies actually.

MS. ALIZADEH: Just real quick.

Sergeant, I had told you that there was a call perhaps from Ferguson that did not recorded by dispatch, correct?

A Yes, ma'am.

MS. ALIZADEH: And did you then pull all the other channels to see if there was other --

A My curiosity got the best of me and I went back before the tape started to get erased.

MS. WHIRLEY: We are coming up on the 90 days, correct?

A It is 90 days now. It is going to start erasing stuff. As we speak right now it is erasing stuff.

Q (By Ms. Alizadeh) Okay. So prior to today was it this weekend you did that?

A I did that last week.

Q So you looked at, or you pulled the calls from these other channels; is that right?

A Yes, ma'am.

Q And you listened to them?

A Yes, ma'am.

Q Do you hear Darren Wilson making a call on any of those other channels?

A No, ma'am.

MS. ALIZADEH: I have those. I don't know if it would be kind of pointless to play it. He's listened to them and he doesn't hear Officer Wilson on any of those channels. All right. Go ahead,

questions?

: . You had mentioned that dispatch has the cell phone numbers of all the officers. Can you talk a little more about what that expectation is or if there is protocol with regard to different officers and stuff on these?

A For the officers using their cell phones?

Uh-huh.

A They use them quite a bit.

Okay. Is it expected that they have them with them?

A No.

It is not at all?

A Huh-uh.

: Okay. Thank you.

You talked about the dead zone potentially in Canfield there. If someone is on the receive only channel like channel three, they would get that tone, would you get that tone in a dead channel?

A On a dead channel?

I'm sorry, on a dead zone. You were in a dead zone, you were on like that channel 3, would you get the tone?

A No, you would just get static.

It doesn't even know and so forth. Would that be the same thing with the alert button in an accident situation?

A If I hit the alert button right now, they would actually hear.

: So it is a repeating process, right, until it finally hits a beacon or whatever?

A Exactly.

: Is that operating on a different frequency? I'm trying to figure out how the alert button gets out, but the general transmission does not, we know it does?

A It doesn't. The workings of that --

MS. ALIZADEH: That would probably be a question that could answer. If you want me to find out and bring him back or whatever.

You say the alert button would get through?

A Oh, yeah.

Okay.

Just one question.

. You mentioned that Darren Wilson was assisting on this sick call, I think was, was it 24;

is that correct.

A No, he wasn't assisting on a call.

MS. ALIZADEH: The dispatcher we're going to hear the call. She's going to interpret for us who is going on. What does 10-8 mean, all this lingo that's said during these calls. She's going to be able to kind of translate that for us on what calls who was going on and who was assisting and so forth.

MS. WHIRLEY: Maybe what you are talking about, we had asked what is he assigned to sector four and you said he was not?

A No.

MS. WHIRLEY: So we're just trying to figure out what he was doing in that general location?

A Right.

MS. WHIRLEY: So can you tell us?

A He was on a prior call at a disturbance at one of our other apartment complexes and when he went 10-8 from there, he went onto a sick case at another apartment complex. He was in that general area anyway, four sector.

MS. ALIZADEH: And so it's not prohibitive for a sector car to leave their sector?

A No, ma'am.

Q (By Ms. Alizadeh) And you talk about the facts that sector has to go on call or leave their sectors that one of the roaming cars or cover cars might move into that area just to make sure there's coverage?

A Uh-huh.

Q Okay. And also we hear on these transmissions, at one point there's Country Club Hills, or what was the other one?

A Country Club Hills.

Q Country Club Hills officer who chimes and he's responding to a call in Ferguson, correct?

A Yes, yes.

Q So other municipalities that are listening to this radio traffic, they can also come into your jurisdiction and respond to an emergency or something?

A You got to remember we dispatch for two other municipalities, they are on our frequency and they monitor everything that we're doing.

Q Okay. And so we hear on those calls someone that's Victor 2?

A Yes.

Q Is that a Country Club Hills officer?

A Yes, it is.

Q Are all of the Ferguson officers Frank?

A Yes.

Q And that Frank 21, Frank whatever, and that means Ferguson, correct?

A Country Club Hills and Calverton Park.

Q Are all the Country Club Hills officer Victor something?

A Yes.

Q So when someone calls out and they say their name and their caller, that identifies what municipality they're with and who they are that day?

A Yes.

Q And then the dispatcher and you also told me that usually will even recognize their voices?

A Yes. We do have one other municipality which became a police department, which is Flordell Hills.

: . Piggyback off of . Just for clarification, you said Frank 24 officer, he was in the sector, right?

A Yes.

Officer Wilson was his assistance, is that how?

A No. He's in -- Wilson was in a separate

sector which is one sector.

Oh, one, okay. One sector?

A Yeah.

So the area he was?

A Four sector.

Q (By Ms. Alizadeh) And just to kind of lay out what happens on these radio calls. First of all the calls begin, the recordings begin in the middle of a shift, correct?

A Yes.

Q So there is other calls that we are not playing where officers were out on other calls. So when we start on the call, initially there is talk about a caller who says that a man with a gun, or a man has threatened her and he's left. He lives in the apartment complex and she thinks he might have left to go get a gun?

A Right.

Q And this a subject maybe going to get a gun, would it be typical for more than one car to respond to that?

A Yes. Officers hear that, they don't have to hear anything from the supervisor, that's all automatic for them. As long as they tell the

dispatcher, Frank 21, I'll be assisting or Frank 21 I will be en route. When they hear gun, you pretty much get the calvary coming into the area. There are several.

Q We hear on those calls that the traffic amongst themselves and one guy says, I'm going to go behind the building and they're looking for somebody and they are communicating with themselves?

A Yes.

Q Each other?

A Yes.

Q So there is actually three officers that go to that apartment call, correct?

A Yes.

Q Only one of them it was his sector?

A Right.

Q So other cars go there to assist?

A That officer whose sector that is, he was out on a sick case. The three officers are responding to that call are actually assisting that officer because he's out on another call.

Q And this is something that experienced officers just kind of learn to do, is that fair to say?

A I think I just confused her.

No, you didn't.

Q (By Ms. Alizadeh) They hear this traffic, they know who's busy, they know what's going on and something else, they know street numbers, they know street names, they know problem places, correct?

A They know everything. Those officers, they could tell by the officer's tone of his voice that I need to get their quick, that's how the officers are tight.

Q And you and your dispatcher even told me today when we were listening to these calls that she could hear that there was a problem in Officer voice?

A Yes.

Q And that is even before the dispatchers knew what was on?

A Right.

Q They knew there was a big problem?

A Yes.

Q And so that's how these officers, they communicate by voice, they get to know each other, they work together, and they work together?

A Uh-huh.

Q Is that right?

A Yes, ma'am.

MS. ALIZADEH: Any other questions.

. About the dead zone, how long have you been an officer in that area?

A I've been in Ferguson 27 years.

: Are these deadzones more like word of mouth or is there any kind of documentation?

A It is documented by complaints from officers and stuff.

MS. ALIZADEH: Let me ask you when we were listening to the calls, in fact, isn't there a call where you hear static and then suddenly could hear the officer talking?

A Yes.

MS. ALIZADEH: You describe when your dispatcher said, I can tell he's on his portable and he's walking.

A Right.

MS. ALIZADEH: And he walks from one place to another and suddenly you can hear him speaking?

A Right.

: . You said that, I want to clarify to make sure I've got this correct here. You said that Officer Darren Wilson,

he was on a disturbance call at another complex?

A Yes, ma'am.

Do you know which complex?

A Parkridge Apartments.

Parkridge Apartments. And then he went to a different complex to assist on a sick call.

A No, he was actually the primary on that sick call, he was the only officer. When I say assist, when I say that, he assists in the sector car, so he doesn't have to jump off of that call to go run all the way over here. So when I say assist, he is just assisting the sector car. So he doesn't have to go 10-8 for the call.

Q (By Ms. Alizadeh) And 10-8 means?

A Clear a call, I'm off the call.

Q I'm done, I'm back in service, I can take another call?

A Exactly.

: Now, when this happened, when this incident occurred, between him and Michael Brown, was he on his way to that sick call or he had completed it?

A He completed that call and was on his way out of the complex.

: And was on his way out of the complex.

Q (By Ms. Alizadeh) When we listen to these calls today and you hear that the dispatcher is calling out about a stealing in progress and she gives an address.

A Yes, ma'am.

Q Just the number, she doesn't give a street even?

A No.

Q Is that because the officer's just know what that means that's the Ferguson Market?

A Well they know that, well, basically they know exactly where that number is.

Q She doesn't say there's a steeling in progress at the Ferguson Market on West Florissant?

A Right.

Q There's a call, there's a stealing in progress and you hear the dispatcher call out what the nature of the call is, what was stolen, a description of the suspect?

A Yes.

Q And in their clothing, correct?

A Yes.

Q Two officers responded to that call,

correct?

A Yes.

Q And who were those two officers?

A The first officer was who is Frank 25.

Q Who was the other person responding?

A That was , Frank 22.

Q And then do you hear Darren Wilson call in and ask if they need him to respond to that call as well?

A Exactly. He was coming off the sick case call with the baby and asked if they needed assistance. If he could help out or whatever.

Q So he's calling those two officers or calling dispatch, who is he calling?

A If I remember right, he called dispatch.

Q And he says, do you need --

A Do you need another car, you need me to assist or you need any help.

Q That's on the Ferguson deal, the Ferguson Market?

A Yes.

Q Okay. And then he doesn't actually go to the Ferguson Market, he doesn't get there?

A No, he doesn't get there.

Q The sick call that he had just gone 10-8 from, was that, this is Grand Jury Exhibit Number 25, which is a map, aerial map of the Canfield Apartment Complex. This is Canfield Drive, it continues on into Northwind Apartments?

A Uh-huh.

Q Was the sick call he was on this east side here?

A Yes, ma'am.

Q From there if he drives down Canfield, does he come out on West Florissant?

A Yes, he does.

. I have a couple questions.

When you showed us earlier that when you are on a channel that's not a real channel, you all have ten, somebody was on 13, they get a tone regardless of volumes?

A Yes.

That volume was all the way down, correct?

A Yes.

: Even in a dead zone?

A Well, the walkie-talkies is going to be dead anyway, there is nothing on that channel even

in a dead zone you are going to.

: You are getting the tone from the dead channel, you aren't in the frequency of anything?

A It doesn't have anything on it, right. And I'm trying to clarify. You said the dispatcher overrides the scans of the RIOT channel. If somebody is listening to the RIOT channel and the dispatcher from Ferguson comes on, all officers are needed at such and such, they will override, the officers will hear that?

A They will go point-to-point, they won't go to the RIOT channel. Dispatchers will go to point-to-point.

: And the officers will hear that?

A Yes.

: Point-to-point is hear only?

A That's hear only, it is not a receiver. And I just had another question about you said that Officer Wilson had a newer model mobile device in his car?

A Yes, ma'am.

: But he didn't have a

newer model portable walkie.

A No, ma'am, they're still the old walkies. Does that have any bearing on what's being heard, what's being transmitted?

A No.

Seems like we have a lot of variables here. We have a newer mobile device, an old portable device, we have an area that's known to be a dead zone. We have different channel frequency. I'm just trying to find out --

A The newer radios, and I'm sure went through this, but the newer radios are going to be more microwaveable. So you are going to hear more from them, but they are still on the old system.

Okay.

A And that's because we're still on the old system with our walkies and our dispatch center. As soon as that 800 megahertz gets updated and ready to go. We'll have new walkies, which are coming pretty soon. We will have a new dispatcher center and new radios and everything will tie in together.

Right now we are using a newer radio with our old system, which works just as good.

MS. ALIZADEH: If there are problems with the old system, the new radios aren't going to solve those problems?

A No.

Until you get the new system?

A Right. The new system we shouldn't have dead zones, we shouldn't have problems.

: This is a real important question for me to understand. You said that you checked all the channels to see if a call was made from Darren Wilson on his portable to any other channel and you couldn't find one?

A When I say that, we have certain channels on our recording device. We have what they call trunk systems. 911 we have five trunks.

What it is, say you are dialing 911 into me, then all of the sudden she dials 911 that will go to trunk two and then all of the sudden he dials 911, that's going to go to the next trunk system three. So we have a bunch of systems in there going because we constantly get 911 calls.

So what I did was, I go back and check all the trunks on the 911 system and I also check point-to-point, I check the fire station, the

North County Fire.

We have backup, our police backup. I will use the police backup because it is a clearer and more. I mean, you can hear everything in there. When you're on the backup system, you can actually, somebody wants a tape or something, I will just go straight to that. I won't just use the main channel because you don't get the static, you don't get the cars, people talking behind them. It will be a clearer sound.

And then also we have our phone numbers. You know, we come in with 522-3100, then it keeps going. They have all the detectives' numbers in there and everything else.

So the list of everything I'm looking at is probably about this long. (indicating)

So with your experience and the information that you were able to tell, it does not appear as though he tried to make a all from his portable?

MS. ALIZADEH: I'm going to clarify this because there are calls that are heard, but you can't tell what is being said?

A Right.

MS. ALIZADEH: Or there is static.

A There's static.

: The only way to tell that it is coming from this radio is if it is the emergency button?

A Right.

: Okay. Thank you.

I just have some clarification. You said that Frank 22 and Frank 25 were dispatched on the way to the Ferguson Market incident; is that correct?

A When the call came out of Ferguson Market, Frank 25 was actually the primary on that call.

: Okay.

A You got to realize that apartment complex is only a block away, not even a block. So they're leaving that area and he is right there. All he has to do is come out of an entrance and go right into Ferguson Market.

: Okay. And then if I'm not mistaken, you said that, you said that Officer Darren Wilson, he called into dispatch to see if the officer needed any assistance, is that my understanding?

A If he was needed in the area or whatever. I guess to help look for the subjects or something.

: Do you know what their response was to Officer Wilson?

A I think the dispatcher said, I don't remember what the dispatcher said now.

MS. ALIZADEH: I don't remember either. We will hear the calls and the dispatcher.

: It didn't come from the officer, the dispatcher is the one that is directing Officer Wilson?

A I think he's asking dispatch.

Okay.

MS. ALIZADEH: Any other questions?

MS. WHIRLEY: Just one last thing for me. So when Officer Wilson called out that he had two on wherever and to send a car, that transmission obviously was received?

A Yes, it was.

MS. WHIRLEY: That reporting?

A Yes.

: So that means, I'm sorry, Juror Number 9. He was on the right channel to receive that call?

A Yes, ma'am.

For the other cars to hear them?

A He had to be on channel one because that was on channel one dispatch, but he was in his vehicle, so he's in a mobile unit not on his walkie-talkie.

: Okay.

MS. WHIRLEY: Could you tell he was on mobile or walkie-talkie when he was in his car?

A You can hear by the static in the radios. One is more clearer than the other because of the wattage.

MS. ALIZADEH: Anyone else? Okay.

(End of the testimony of)

MS. ALIZADEH: For clarification purposes, this disc would normally, the beginning of the testimony of our next witness, however, during the break, the grand jurors indicated that they had, they wanted to clarify something that Sergeant had testified about previously so.

Sergeant is here and, Sergeant, you are still under oath, you understand that?

A Yes, ma'am.

MS. ALIZADEH: So go ahead and ask what questions you have that you wanted to clarify.

. If Darren Wilson is on a receive only channel, say number

three. And he's in a dead zone, will he get a tone or static, I guess is what comes up?

A If he's on, if he's on like say three, even if he was in a dead zone, he would get a tone.

He would still get a tone?

A Yes. Even if you're in like Wal-Mart and a building with concrete or metal they couldn't get out and he's on three accidently, he would still hear that, that tone, that real loud.

Okay.

MS. ALIZADEH: Is that it?

The first call that Officer Wilson sent out when he asked do they need assistance, that was to the other police officer cars?

A No, ma'am. He was calling and talking to dispatch.

That was with dispatch?

A Yes, ma'am.

: He wasn't on his mobile?

A No, he was actually on his mobile.

On his mobile.

A You can tell the difference.

: In the car?

A Yes.

The second call for help, was it mobile or --

A I didn't hear a call for help.

: So you never got any other from Officer Wilson to the dispatcher?

MS. ALIZADEH: Do you mean, ma'am, the call where he said I'm out on Canfield with two, whether or not that was mobile or portable, is that what you mean the second call?

Yeah, was that.

A That was mobile.

That was mobile too. After those two, nothing else came through?

A No, ma'am.

: Okay.

MS. ALIZADEH: Okay, Any other questions?

So we won't stop the recording. The witness is ready, we are not going to take a break. Thank you, Sergeant.

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Ma'm, could you state your name and spell it for the court reporer?

A

Q Now, ma'am, the microphones that are in front of you do not amplify your voice, they're just recording. So you need to keep your voice up loud enough so we can hear you all the way back here, okay?

A Okay.

Q And because the court reporter is taking down what you are saying and we are recording what's being said, your answers all have to be out loud. You can't shake your head or nod because that wouldn't get picked up on the recording.

A Okay.

Q All right. Ma'am, what's your occupation?

A I am a dispatcher with the City of

Ferguson.

Q Okay. You might need to talk a little louder?

A I'm a dispatcher with the City of Ferguson.

Q How long have you been a dispatcher?

A I have been a dispatcher since 1991. I've been with the City of Ferguson since May of 1993.

Q Of 1990?

A Three.

Q Three. And we have already heard from another witness that there are four full-time dispatchers?

A No, there are six full-time dispatchers.

Q Are you full-time or part-time?

A I am full-time.

Q So I imagine that there are dispatchers that are working every hour of every day in Ferguson, correct?

A Yes.

Q Do you work in shifts?

A Yes, we do.

Q How many dispatchers work per shift?

A Two.

Q And what is the length of the shift?

A Eight hours.

Q And does your shift change, like do you have like the afternoon shift for several weeks and then it is the night shift for several weeks or are you on permanent?

A I'm on a permanent shift. Full-timers are all permanent.

Q What is your shift?

A My shift is 7:00 a.m. to 3:00 p.m.

Q And was that your shift on August 9th of this year?

A Yes, it was.

Q Do you recall that day being a Saturday?

A I'm not sure what day it was of the week.

Q You were working on the day of the shooting; is that correct?

A Yes, ma'am.

Q And so how many days a week do you work?

A Usually five.

Q Are those always the same days or do you have different days?

A I have different days.

Q Okay. You do recall, though, that you were working on the day of the shooting of Michael Brown?

A Yes, ma'am.
Q And so when you are working in the dispatch center, what do you call your office?
A Our dispatch room.
Q Dispatch room. There is another dispatcher in there with you?
A Yes, ma'am.
Q Do you remember who was with you that day?
A Yes, ma'am.
Q Who is it?
A . I'm sorry, I have a hard time with her first name.
Q Do you call her ?
A Yes.
Q How long has worked there if you know?
A About three years.
Q Does she have any experience being a dispatcher prior to her coming to Ferguson?
A Yes. She was a supervisor at East Central Dispatch Center.
Q So she has got a lot of experience as a dispatcher too, would that be fair to say?
A Yes.
Q So when the two of you are working together in the dispatch room, can you see each

other?
A Yes, ma'am.
Q And do each of you have your own separate console?
A Yes, ma'am.
Q Now, we've already talked about 911 calls. Do both dispatchers answer 911 calls?
A Yes, ma'am.
Q And then do both dispatchers dispatch radio calls?
A Yes.
Q And then what about the CAD calls, we have already heard testimony that that is a computer information system. Do you input information into the CAD system?
A Yes.
Q Okay. So you are doing a lot of different things?
A Yes.
Q And we've also heard testimony that on a given day the officers that are patrolling the City of Ferguson are assigned a call signal, like a call name like Frank 21, Frank 22, so forth?
A Yes, ma'am.
Q And that might change from day-to-day?

A Yes.
Q So at the beginning of your shift, do you get a roster with the call, is it called a call center?
A Call sign.
Q Call sign. Do you get a roster with call signs and whose working that day?
A Yes, ma'am.
Q And so when an officer calls out and he's on the dispatch channel and he's in his vehicle in his car, generally can you hear that call?
A Yes.
Q Are there times when it is difficult to hear that call?
A Yes.
Q Are there times when officers will walk over each other and walk on each other and they're both making calls at the same time?
A Yes.
Q And then what about the portable radios, is it sometimes difficult to hear when an officer makes a call on a portable radio?
A Yes.
Q And are you aware that the portable radio has 5 watts and that the mobile radio is a 10 watt

transmitter?

A Yes.

Q And so would it be fair to say that the portable radios have a weaker signal?

A Yes, ma'am.

Q Now, for the amount of time that you have been working for Ferguson, do you recognize generally the voices of the different officers that are calling in?

A The older officers, yes.

Q And so we've heard these transmissions, you and I listened to them today; is that right?

A Yes.

Q You identified a lot of the officers, in fact, all of the ones that we were listening to between yourself and Sergeant , you were able to tell me who was who when they were talking; is that right?

A Yes.

Q And then also were you aware that I had a transcript where someone previously has attempted to transcribe what's being said in these calls, did you see me make changes on it?

A Yes, ma'am.

Q There would be times where you could tell

me what was being said when I couldn't really hear it?

A Yes.

Q Now, you and I talked about that, about the ability of a dispatcher with your experience to understand what's being said when someone like me might listen to the call and say, okay, I didn't get that or I can't hear what's being said. Is that something that just comes with years of experience?

A Yes.

Q And also, you also talked about, in fact, you talked about certain officers having a certain way of speaking.

A Yes, some of them do.

Q And one of the officers you said I can tell that's him, he'll always have a pause in his voice, like stops mid sentence and then completes a sentence?

A Right.

Q And you also said there is one officer who has got kind of a southern twang to his voice?

A Yes.

Q And did you also describe for me that you can also tell by the tone of the officer's voice whether or not he's, he may be excited or there's a

problem?
A Right.
Q Now, when the officers are out on patrol, are they supposed to notify you where they are and what they are up to at all times?
A Yes.
Q So if an officer is on a call, when he finishes that call, does he call in and tell you he's done with the call?
A Yes.
Q And how does he do that?
A He radios in using his call sign and let's us know that he's 10-8.
Q 10-8?
A Yes.
Q So that's 10-8?
A Yes, ma'am.
Q That means I've completed that call and I'm back in service, I'm ready for another call?
A Yes.
Q So are there other things like bathroom breaks, I'm going on dinner break where they might use different codes?
A Yes.
Q Okay. And at certain points in the

transcript the officer will hear, will actually call in and then the dispatcher might repeat what the officer says; is that right?

A Yes.

Q Why do you do that?

A To insure that all of the other officers hear what the transmission just was because sometimes the radio don't transmit and also to insure to that officer that I'm clear on what he said.

Q Okay. And so if somebody calls in to dispatch and says something generally if everything is working properly and everything is good to go, the other officers are on the dispatch channel can hear that call, correct?

A Yes.

Q But are there times that they can't hear that call?

A Yes.

Q But you can?

A Yes.

Q So sometimes you will repeat that call so that then the officers can hear what you be repeating the call?

A Yes.

Q Do you know how many watts the transmitter is for dispatch?
A That I do not know.
Q Is your transmitter stronger than the mobile and portable transmitters?
A Yes, ma'am.
Q So generally speaking, the officers are always going to be, usually going to be able to hear dispatch, correct?
A Yes.
Q And we've also heard a lot of stuff about dead zones and that would be where officers might not be able to transmit or receive calls, correct?
A Correct.
Q Are there times when you can hear that there's an officer keying up a mike, in other words, he's pressing the button on his mike, but you don't hear speaking?
A Yes.
Q And can you tell that that's a call?
A You can tell, but a lot of times you can't hear what they're saying.
Q Okay. And then when an officer calls in, if he doesn't give his call signal, or his call sign, and let's say I know you said you recognize

you know these guys' voices, is there anything on your monitor that tells you who is calling in?

A No.

Q So you only know by his voice or if he gives his call sign?

A That is correct.

Q You also, we talked today, can you tell the difference when an officer is calling in on a portable versus his mobile?

A Yes.

Q And what's the difference, how do you tell the difference?

A The portable is not as strong and is clearer. A lot of times when they're on their portable you can hear static in the background whereas on the car radio, it is usually very crisp and clear.

Q Okay. Now, we're going to play the transmissions and pass around the transcript. And I will tell you that the change, the handwriting that's on the transcript is mine. And I did that because it was, I first met with her this morning at 6:30 is when you got here and that's the first time I had a chance to sit down and actually go through these transmissions with her. So I apologize, and

you would tell me sometimes when it would say on the transcript UI, which I assumes mean unintelligible, you are able to tell me what's being said sometimes?

A Right.

Q You saw me making changes, and sometimes with the officer it doesn't say who the officer was. You are able to tell me, well, that's 24 or that's 25 or whatever?

A Yes.

Q And we talked about today on that day who was 21, who was 22 and so forth, correct?

A Yes.

Q Okay. All right. Before we start playing the radio calls, is there anybody has a question about her job, or anything that she's testified to so far?

MS. WHIRLEY: I actually do, not much, but hi, I'm over here. You mentioned that sometimes you could only hear static when an officer is trying to call in, I guess that's a dead zone or something?

A Could be. Usually when you hear static, it is because they're in a building or maybe there's a building between them or some type of large structure between them and the radio waves don't get through that as easily as they would if they were

out in the open.

MS. WHIRLEY: I think I heard you say that you cannot tell who's trying to call in on your monitors when you hear that static; is that correct?

A That's correct, you cannot.

MS. WHIRLEY: Is there anything in place to try to figure out, you know, who the officer is or what to do in case an officer might be needing help.

A We have panic buttons that are installed in all of their walkies and also on the car radio.

MS. WHIRLEY: Is that that orange alert button we have heard about?

A Yes, ma'am. If they push that, my radio console lights up and makes a lot of noise and each console does that, so we each have to shut them down. One of them did not shut them all down and that shows the officer's name, it shows whether he's on his portable or shows whether he's on his mobile in his car.

MS. WHIRLEY: That's only if he hits that red button?

A Correct.

MS. WHIRLEY: If an officer is trying to communicate, but he's in a dead zone in a building

and you just hear static, there is nothing you can do to try to figure out who that officer is or they need help?

A Other than asking him to repeat, no, ma'am.

MS. WHIRLEY: Okay. And you said you also can detect a problem in the officer's voice, I think you said that, right?

A Yes.

MS. WHIRLEY: What do you do if you detect a problem, like something is going on and the officer is not asking for help, you detect something, what do you do?

A I usually when there's a change in their voice, I usually send them help regardless, I send assist units.

MS. WHIRLEY: You ask them do you need additional help?

A Right.

MS. WHIRLEY: You kind of communicate that you are a little concerned?

A Correct.

MS. WHIRLEY: Okay, all right. That's all.

I have one question, this

is How often do the officers use that alert button, have you been known to happen a lot or?

A It doesn't happen that often. I would even say once a month. It doesn't happen that often, but it does happen especially it is more an accident than not, but they'll hit it.

(Grand Jury Exhibit Number 86 marked for identification.)

MS. ALIZADEH: Okay. I'm going to play a disc that is marked Grand Jury Exhibit Number 86, Vanna will now turn the letters.

So the transept is being passed out. What I've written in there I wrote in after meeting with her. She will describe these calls as they go along.

Now, Sheila, it might be helpful if we can do that, can you do that.

MS. WHIRLEY: You want it to be shown up here?

MS. ALIZADEH: Actually, the time and date is on the screen, okay.

Ma'am, we talked about earlier today about the difference between the clock that you're looking at that is actually sitting on your console versus the internal clock for the radio calls versus the

911 calls. Those might not be in sync, would that be fair to say?

A Correct.

Q (By Ms. Alizadeh) So the clock that records these calls as they are being made might not be the actual time of the call, would that be fair to say?

A Yes, there could be a discrepancy.

Q Okay. But would it be also be fair to say that if there's a call that say 11:53 and 15 seconds and then the next call is at 11:54 and 15 seconds, that there would be a minute between those two calls, correct?

A That's correct.

Q So we can tell how much lag time in between calls by looking at the time, but that doesn't necessarily reflect what the actual time is?

A Correct.

Q Okay. Just for clarification sake, these calls on this disc start at 323, that's the track for the call and the actual time and date for this first call is August 9th, 2014 at 11:46 and 4 seconds in the a.m.

Ma'am, is it fair to say there are calls that came before this first call we are going

to hear?

A That's correct.

Q You were working that day?

A That is correct.

Q And you hear your voice being played on the recording sometimes, correct?

A Yes.

Q And you recognize as the other dispatcher that was there that day?

A Yes.

Q Were there any other dispatchers besides the two of you?

A No.

Q Okay. So what I'm going to do is play each track and then I will have the dispatcher tell us if there's a need to translate what this means, she will put some context to that.

(Playing of the recording.)

Q That's your voice?

A Yes.

Q You are the dispatcher for that call?

A Yes.

Q Who was the officer on that call?

A .

Q And he's Frank 22 that day?

A Yes.

Q And so we hear him start out by saying Frank 22, so he's identifying himself?

A Yes.

Q And you repeat 22, what's that tell him when you repeat 22?

A That tells him that I understand that he is calling and that also tells him to go ahead with his traffic.

Q And then he transmits something about an address?

A Correct.

Q And so this relates to a previous call; is that right?

A Yes.

Q Do you recall what that call was?

A I do not, but it is not uncommon for them to make corrections on addresses.

Q Okay. So then the dispatcher, you say units 10-8 from Louisa, what does that mean?

A That means he is finished with his assignment and he is available for another assignment.

Q So I'm going to play this call again. In the transcript it says make the address Louisa,

units are, then it is unintelligible. You tell me if you can hear what he's saying?

A Okay.

(Playing of the recording.)

A I understand that he's ready for the other assignment, but the end of that transmission I'm not quite sure what he's saying.

Q Okay. So then the next call, I'm just going to play these in order. If there's a need for you to ask me what time the call is, I don't know if you can actually see it for yourself up there. If you can't, then I can read it out to you.

(Playing of the recording.)

MS. ALIZADEH: So that's voice.

A Yes.

Q (By Ms. Alizadeh) What is she doing?

A She's calling units for an assignment.

Q So Frank 28 is who that day?

A I'm not sure who Frank 28 was, I don't remember.

Q We went through who they were by you listening to their voices, correct?

A Right.

Q And Frank 21?

A Frank 21 was Officer Wilson.

Q Okay. So is calling to those two officers?

A Yes.

Q All right. But she doesn't, at this point, we don't know the nature of why she's calling them?

A Correct.

Q (Playing the recording).

Q All right. So in that call that's Darren Wilson that says that 28 is on station assignment?

A Uh-huh.

Q What does that mean?

A That means he is unavailable for any calls and that he's at the station currently working on a call.

Q So Darren Wilson is saying that I'm available, but 28 is not?

A Correct.

Q And so then gives him the information that the caller had called in about?

A Correct.

Q And then at the end, Darren Wilson 21, I'm clear, what does that mean?

A That means he's clear on the assignment, he's going to accept the assignment and take it.

Q I'm clear means I understand it and I'm taking it?
A Yes.
Q Doesn't mean I'm going out of service or anything?
A No.
Q Okay. And then Officer 22 says 22, I'm clear?
A Correct.
Q And so 22 was not originally called by ?
A Correct.
Q He heard the call?
A Yes.
Q And so he says I'm going too?
A Yes, because when she put that out, she put that out for a unit and one to assist.
Q Okay. And is that because of the nature of the call that it could be domestic with a gun?
A Correct.
(Playing of the recording.)
Q So 22 who I think we talked about is , do you recognize his voice?
A Yes.
Q So he says 22 you clear, I'm en route. Is

that saying that?
A Yes.
Q And what does that mean?
A He, in our CAD system when we enter a call, they can see everything that we enter into the computer. And sometimes there is a time delay when we're entering information into the call before we physically put the unit on that call. He may not have seen himself assigned to that call. So he was just inquiring that and I were clear, he was responding also.
Q Okay. So says I'm going to assist her, I'm going to this call as well?
A Yes.
Q Do you know what sector this call was in?
A Yes.
Q What sector is that?
A Four.
Q Okay. And that would be Canfield Green Apartments, is this sector four, correct?
A Yes.
Q But Sharondale is not in Canfield; is that right?
A No, but it is also in four.
Q Okay. And so we've got Officer Wilson and

Officer are indicating their responding to this call?

A Yes.

Q The next clip.

(Playing of recording.)

Q So now this is another officer saying he is responding to that call as well?

A Yes.

Q You recognize his voice?

A Yes.

Q Who is that?

A That's going to be .

Q Okay. So now we've got three officers going to this same call in sector four?

A Yes.

Q And that leaves the sectors that they were patrolling without any patrol?

A Temporarily, yes, but a lot of times the supervisors will keep watch while they're responding.

Q And will the cover cars also move into those sectors to make sure there's coverage?

A Yes.

Q Do they do that automatically or do they have to call out that they're covering a sector?

A That's an automatic thing.
Q Okay. So now the next track.
(Playing the recording.)
Q So is that Frank 22 calling and saying I'm Frank 22, I'm 23 to the area?
A Yes, he's saying he's in the area.
Q What does 23 mean?
A That he's arrived on the scene.
Q So it is not Frank 23?
A No, it is Frank.
Q Frank 22 I've arrived at the scene?
A Yes.
Q Okay. And the dispatcher acknowledges that she heard that by saying in the area?
A Yes.
Q Okay.
(Playing of the recording.)
Q Okay. So whose 25?
A Officer .
Q All right. So when he says 25 is out, what does that mean?
A He means he's on the scene as well.
Q He doesn't say 25 is 23?
A No, some of them use different.
Q Okay. But you understand as a dispatcher

he means I'm at the scene?

A Yes.

Q And then responds to him saying you're at the scene and what's 11:34 mean?

A That's the current time.

Q So she's looked at the clock and she says what time it is on her clock?

A Yes.

Q So she has Frank 25, Officer Gibbons has arrived at the scene at 11:34?

A Yes.

MS. ALIZADEH: So the next track?

: . When we're talking about the clock discrepancies.

A Yes.

Like track 323 was at 11:46:04 and this is 11:34, there is like 12 minutes difference.

MS. ALIZADEH: Now, you are looking at, when you say track 323, which is the first call I played, the time I gave you, the time and date is what is on the call, not the clock she's looking at.

Right, that's what I'm saying, we're talking about the clock difference we are referring to earlier.

MS. ALIZADEH: There might be a difference in a clock.

: Right, right.

MS. ALIZADEH: Actually, she says it's 11:34 and that's 329. And this says it is August 9th, 2014 at 115321.

: Okay. Up there, good.

MS. ALIZADEH: So the clock they're looking at and calling out is the actual time, correct?

A Yes.

MS. ALIZADEH: So the times that are listed on here aren't the actual times, however, the time discrepancies I think would be accurate. So the 20 minutes from one call and then the next minute the call is 20 minutes later, I think that that would be accurate.

: Okay.

Q (By Ms. Alizadeh) Now, I'm playing 330.

(Playing of the recording.)

Q Okay. Now, we've heard a lot of static at the beginning of that call. Can you tell if that officer is on his portable or on the mobile?

A Yes, he's on his portable.

Q Do you recognize who that is?

A You know it sounds like Officer Wilson, but it's hard to say. I would have to be closer in order to hear it.

Q And so at the beginning when we are hearing static is that because somebody is keying up their mike or what was that static from?

A That is because their on their mobile, I'm sorry, their portable and they're out walking on feet and as he's walking, he's moving in between the buildings. So the signal, instead of trying to bend around a building is straight and we can read it a lot better because there's not a building in the way. It is hard for me to explain that type.

Q So would this be an example of a time when an officer is transmitting something and you can tell something is being transmitted, but you can't hear it and then as he continues to walk, you can hear what is being said?

A Yes.

Q Okay. Because of the static you are not able to tell which officer that was?

A I'm not sure which one.

Q Okay. And the next track is 331.

(Playing of the recording.)

Q So now those are two different officers

and they are talking to each other on their portables, yes?

A Yes.

Q Okay. Can you recognize their voices?

A The second officer is Officer . The first I'm not sure is possibly Officer Wilson.

Q Okay. So this is them, they're going on that call about a guy who was going to go get a gun and shoot somebody?

A Correct.

Q And they're talking to each other, looking for a subject?

A Correct.

Q So track 332.

(Playing of the recording.)

Q So Frank 21?

A That is Darren.

Q That's Officer Wilson he says 23, that means he's arrived?

A He's arrived, yes.

Q He's just now at 11:36 got to that scene on Sharondale?

A Correct.

Q And track 333.

(Playing the recording.)

Q All right. So it starts out with Frank 27, do you recognize his voice?
A Yes.
Q Who is that?
A That's
Q And so he says something, something difficult to understand, but the dispatcher says Frank 27, 10-81, what does that mean 10-81?
A That means he's with a prisoner.
Q He's with a prisoner?
A Yes.
Q So at 11:37 he has a prisoner?
A Yes.
Q And then you hear Officer Wilson say , where are you guys at?
A Yes.
Q Who is he referring to, who is ?
A would be , Frank 22.
Q So he's not talking to Frank 27?
A No.
Q He's actually calling out for ?
A Yes.
Q And then do you hear 's voice respond that he's talking to the caller?
A Yes.

Q All right. And then when Officer Wilson says clear, what does that mean?

A That means he understood Matt, he knows where he is and he's going to go there.

Q And you guys, if you don't understand something just chime in, all right.

So track 334.

(Playing of the recording.)

Q The first speaker was who?

A The first one was .

Q Second one?

A Darren.

Q And so they're talking to each other?

A Yes.

Q Still on the scene at Sharondale?

A Yes.

Q And track 335.

(Playing of the recording.)

Q And, again, that's Officer Wilson talking to ?

A Yes.

Q Okay. And just for clarity sake, there are actually talking by using their walkie-talkies?

A Correct.

Q Their walkie-talkies aren't picking the

two of them standing next to each other talking?
A Correct.
Q Okay. Track 336.
(Playing the recording.)
Q All right. Do you recognize that voice?
A Yes.
Q Who is that?
A That's Sergeant .
Q Okay. What is the purpose of him saying Ferguson 23?
A He is calling out to dispatch.
Q So he wants somebody to answer him?
A Correct.
Q All right. And then the next track, 337.
(Playing the recording.)
Q He calls again?
A Yes.
Q So nobody answered him?
A The first time, yes.
Q And then on track 338.
(Playing the record.)
Q So what does that call tell you, what's Sergeant doing?
A He was on a separate call before all the transmission started. I don't remember all of the

call. I know it was in reference to an elderly female, he's requesting an ambulance come check her out. Code one nonemergency, no light, no siren.

Q He's at another residence, not related to this apartment situation?

A Correct.

Q Where there was somebody with possibly a gun?

A Correct.

Q Okay. And track 339.

(Playing the recording.)

Q Do you recognize whose voice that is?

A I do, but Frank 23 is written in there that is not who that is, that's , Frank 25.

Q So I wrote that wrong?

A Right.

Q Okay. Good to know. So that is ?

A Yes.

Q We don't know who he's talking to or do we?

A I would assume he's talking to the other officers on the scene of Sharondale because the three of them were there together.

Q So we have ?
A .
Q And Officer Wilson and now ?
A Yes.
Q And track 340.
(Playing of the recording.)
Q So the first speaker there, who is the first speaker?
A Darren.
Q I have indicated 21, you told me that was his voice, correct?
A Correct.
Q And he's talking to who?
A
Q And so, again, they're communicating. They are still looking for a subject in Sharondale?
A Yes.
Q Track 341.
(Playing of the recording.)
Q And then track 342 is the same, dispatcher also calling out for Frank 21; is that right?
A Yes.
Q And who is Frank 23?
A Sergeant .
Q And he's always Frank 23, correct?

A Yes, he's a supervisor.

Q So the dispatcher's calling him and he's not answering?

A Correct.

Q Track 343.

(Playing the record.)

Q Okay. So who was that officer that called in at the beginning?

A .

Q And what was his, on that day, do you remember?

A His call sign is Frank 24.

Q Okay. And so he says, and so he says he's calling in for 23?

A Yes.

Q So he hears the dispatcher is calling for 23, and 23 is not responding, so he came on in the end saying I'm here?

A Correct.

Q So then the dispatcher says there is two calls pending, does that mean unanswered so far, correct?

A Yes.

Q So 344, track 344.

(Playing the recording.)

Q You recognize that as Darren Wilson?
A Yes.
Q What is he saying?
A He's saying he's just about finished with this assignment, he's going to go back in service so he'll be available to take the sick case on Glenark.
Q So 10-8 means I'm back in service?
A Correct.
Q Okay. And call 345.

(Playing the recording.)

Q Do you recognize who that is?
A Yes.
Q Who is that?
A That's Officer Wilson.
Q And he's talking to ?
A Yes.
Q Do you know what he means by that, stay right where you're at they're gone?
A I believe probably if he would have not moved or not appeared there, maybe they would have found the suspects, maybe the suspects saw him and left and maybe that's what that is referring.
Q So this is related to the call on Sharondale?
A That is correct.

MS. WHIRLEY: Do you know what you just told us, do you know that to be a fact or you just speculating?

A No, I'm speculating only.

MS. WHIRLEY: Okay.

Q (By Ms. Alizadeh) Track 346.

(Playing the recording.)

Q So whose voice is that?

A Officer Wilson.

Q What is he saying?

A He's saying put him in service he's going to go ahead and take the Glenark call.

Q The Glenark call was the baby with difficulty breathing?

A Yes.

Q And is Glenark, where is that in Ferguson?

A It is also in sector four. It is a little bit further, I'm terrible with directions, I believe north of where the apartment complex in Canfield is located.

Q Okay. So if that day Officer Wilson was assigned to sector one, why is he answering a call in sector four?

A The officer that is actually assigned to sector four was on another assignment on Kirk

dealing with another sick case. And he was already in that area, so he went ahead and took the call. Sometimes they'll take calls out of sector when one is tied up.

Q And it is one of your jobs to know where these officers are at all times?

A That is correct.

Q Um, 347, track 347.

(Playing the recording.)

Q Who's the officer?

A Officer Wilson.

Q They're just getting the address correct, correct?

A Yes.

Q Track 348.

(Playing the recording.)

Q Who is Frank 25?

A Officer

Q What is he saying in that call?

A He's saying he's wrapped up this assignment, he's available for another, however, he's going to respond back to his area or sector that he covers because there's parking violations that are open in that area.

Q Was that the other pending call that the

dispatcher mentioned?

A Yes, it was.

Q So we have him taking that call and then Officer Wilson is taking the baby short of breath call?

A Yes.

Q Track 349.

(Playing the recording.)

Q So 9101 West Florissant, do you know what's there?

A That is, no, I don't, Ferguson Liquor I believe is the name of it.

Q Is it also called Ferguson Market?

A Yes.

Q So the officer that responded to that call said all clear, I'm right here, who is that?

A That was officer .

Q So what is he saying in response to that call?

A He was at that location currently because he was leaving from Sharondale to go to the other assignment. So he stopped and was going to handle that call.

Q He's saying I'm right close by. I'll take this stealing in progress?

A Yes.

(Playing the recording.)

Is that the Victoria Plaza?

A Yes, ma'am.

Q (By Ms. Alizadeh) So I'll play again, I'm going to play track 350.

(Playing the recording.)

Q And again, that's Officer ?

A Yes.

(Playing the recording.)

Q And track number 352.

(Playing the recording.)

Q Track 353.

(Playing the recording.)

Q And that was all officer talking to the dispatcher?

A Yes.

Q And that was not you, that was

A No, that was me.

Q That was you?

A Uh-huh.

Q Track 354.

(Playing the recording.)

Q Okay. I'm going to play that again.

(Playing the recording.)

Q Do you recognize whose voice that is?

A I do not.

Q And you recognize, can you hear what they're saying?

A Yes.

Q What did they?

A They're saying Mickey D's.

Q So this is an officer transmitting this; is that right?

A Correct.

Q People with scanners that are out there, they can't transmit on police radios?

A No, ma'am.

Q Do you know what he means by Mickey D's or what do you assume he means?

A He means McDonald's, which was right next door to the Ferguson Market. Possibly was inferring that the subject may have gone into the McDonald's.

Q Okay. Track 355.

(Playing the recording.)

Q Whose voice is that?

A That is .

Q Track 356.

(Playing the recording.)

Q Whose voice is that?
A That is Officer .
Q Track 357.
(Playing the recording.)
Q Whose voice is that?
A That is .
Q So he's saying I understand that we have no further description on this person, right?
A Correct.
Q And is this still regarding the stealing from the Ferguson market?
A That is correct.
Q Track 358.
(Playing the recording.)
Q So the first voice, whose voice is that?
A Officer .
Q And he's giving out a description of one of the suspects that's involved in this stealing at the Ferguson Market?
A That's correct.
Q Who's the second officer's voice?
A Officer .
Q When he says clear, what does that mean?
A That means he was clear on the description and he was going to look in the area for that

description on that subject.

Q And other officers who are on the dispatch channel, they may or may not have heard Officer and Officer talking to each other, correct?

A That's correct.

Q Track 359.

(Playing the recording.)

Q Do you know who that is?

A Yes.

Q Who is that?

A Officer .

Q What is he saying, 27, I'm at the station, open the garage?

A We also have all the controls to the building doors in dispatch on our radio console. He was with a prisoner so I opened the garage door for him to bring the prisoner in.

Q Is this the same officer who called in earlier who said he gave a code for having a prisoner?

A Yes.

Q So now he's arrived at the station with a prisoner?

A Yes.

Q And so unrelated to the stealing in progress at the Ferguson Market?

A Yes, that is correct.

Q 360.

(Playing the recording)

Q Who is that?

A That is Officer

Q I'm sorry. It wasn't quite over Officer

A Yes.

Q Track 361.

(Playing the recording.)

Q So who is 22?

A 22 is .

Q What is he saying when he says clear me with the report from Sharondale, I'm with 25?

A He was currently still in the area looking for the man with the gun that came out on Sharondale and he was clearing from that call and he was going to continue to canvas the area for the subjects that left the Ferguson Market.

Q When he says I'm with 25, is that Officer ?

A Yes.

Q Is he physically with him, is that what

that means, or is he just going to be on the call?

A He's going to be on the call, he's in that area.

Q And then the dispatcher says 22 that's clear, you just saying I understand?

A Yes.

Q 362.

(Playing the recording.)

Q All right. So do you recognize this officer?

A Yes.

Q Who is that?

A That is Major from the City of Country Club Hills.

Q You dispatch for their department as well?

A Yes.

Q He's Victor two?

A Yes.

Q So this is not related to the Ferguson Market or any of the calls that the Ferguson officers have been working on?

A Correct.

Q Track 363.

(Playing the recording.)

Q And that's ?

A Uh-huh.
Q What is she indicating?
A She's repeating his location so that other officers can hear it and insuring him that she knew where he was.
Q Okay. So again this is relaying information so that other officers who might not have heard Victor two call in about this?
A Correct.
Q 363, 64, sorry, track 364.
(Playing the recording.)
Q So Frank 21, that's Dareen Wilson?
A Yes.
Q What is he saying?
A He's saying that he is, finished up the call he was on and he's available for other traffic or other calls if needed.
Q That's the sick baby or the baby short of breath on Glenark that he has had responded to?
A Yes.
Q Is he's done with that?
A Correct.
Q He's available for another call?
A Correct.
(Playing the recording.)

Q And you recognize that voice?
A Yes.
Q Who is that?
A That's Major
Q Victor 2?
A Yes.
Q So this is, again, regarding traffic, a plate he's running, not regarding these Ferguson calls?
A Correct.
Q Now 366.
(Playing the recording.)
Q Who's voice is that?
A That's Darren Wilson.
Q And what's he saying?
A He's inquiring if they need him to respond for any assistance.
Q Who is he calling out to?
A He's calling out to Officer and .
Q And those are the two officers who had gone to the Ferguson Market in response to the stealing in progress; is that right?
A Yes.
Q So he's asking them if they need his help?

A Yes.
Q 367.
(Playing the recording.)
Q All right. You recognize the first voice?
A Yes.
Q Who is that?
A The first voice was Officer .
Q So he's, he says they disappeared into the woodwork or into --
A Possibly the wood line.
Q Could be the name Windward, it could be a lot of different things, correct?
A Correct.
Q And then the next officer is who?
A Darren Wilson.
Q What is he saying?
A He can't hear them because it is hard for them to hear on the portable when they're out moving around and he's in his car and he can't hear the portable.
Q So he's asking you to relay what Officer just said?
A Correct.
Q And then is that you then who says, he thinks that they disappeared?

A That was actually

Q , okay. And then Wilson says clear, meaning I understand.

A Right. He was clearing that he understood us though.

Q So this is an example where if he knows that call was made but he couldn't hear it or understand it, and he is asking to repeat it.

This is 368.

(Playing the recording).

Q So Frank 22 is calling, that's officer ?

A Yes.

Q Calling dispatch?

A Uh-huh.

Q So what's he saying?

A He's saying that he is finished with the assignment over there assisting with the Ferguson Market and he's going to take the parking violations at Victorian Plaza.

Q Okay. So is the dispatcher ?

A Yes.

Q So she says 10-4, that means she understands it, correct?

A Correct, uh-huh.

Q Also when you get a moment I have a 21 message for you, what does that mean?

A A telephone number.

Q Okay. So that's not a message from Officer Wilson since he's Frank 21?

A No, it was something totally separate.

Q So a 21 message just means a telephone message?

A Correct.

Q And it may or may not be related to work, it might be somebody calling him?

A Correct, it could be anything.

Q Anything?

A Yes.

Q All right. And then 369.

(Playing the recording.)

Q Who's that?

A That's Officer Wilson.

Q What is he telling you?

A He's telling me that he's out with two subjects on Canfield and he's requesting an additional unit for back up.

Q Can you tell from the transmission if he's in his car or is he on his portable?

A He's in his car.

Q And is there anything about that call that you think is unusual?

A Um, that he would request a backup immediately would be very unusual. Usually they do not do that.

Q When an officer says put me on Canfield, what does that mean?

A Put me on the scene of Canfield, put me at that location.

Q Because you have to keep track of where they are at all times?

A Correct.

Q He's telling you he's on Canfield?

A Right.

Q With two, what did that mean?

A Two subjects, two people.

Q Okay. Does this tell you what he's doing with them or why he's with two?

A It did not.

Q Okay.

A It only tells me that he stopped two people.

Q Okay. And he ask for another car, an assist?

A Yes.

I have a question.

MS. ALIZADEH: Yes.

: You said that him requesting a backup car is out of character for him?

A That quickly, yes.

That quickly?

A Yes, ma'am.

So there have been other instances where he has asked for backup?

A Yes, ma'am.

: Is that my understanding?

A Yes, ma'am.

You said the length of time it took for him was out of character?

A Yes, ma'am.

: Would there be a reason, Do you know of a reason for an officer to ask for backup that quickly?

A Maybe because he felt that there was something about the way they looked, or the way they were acting or just that there was something suspicious about them.

: It could have been that they fit the description of the people at the

Ferguson Market?

Q (By Ms. Alizadeh) So this is all just speculating?

A Correct. I don't know what the real reason would be.

Q You take calls from these officers every day?

A Correct.

Q So now what does that mean when somebody is doing a pedestrian check or head check?

A It means that they've stopped someone because they appear to be suspicious and they get out of the car and usually try to speak with them.

Q Okay. So not a traffic stop?

A No.

Q Somebody on foot?

A Yes.

Q It could be a number of things, correct?

A Correct.

Q They may recognize them and might have warrants out for their arrest?

A Correct.

Q But something causes that officer to say, hey, I'm going to make contact with this person and see what's up?

A Right.

Q And in this case, he immediately said send me an assist car?

A Yes.

MS. WHIRLEY: Let me ask, do they generally, you mention a pedestrian check, do they generally get out of the car for a pedestrian check?

A Most of the time, yeah, because they get out of the car and ask them for identification and I run them through the computer to insure they're not wanted.

Q Knowing whether they are in the car or they are on their portable is generally they're not in their car on their mobile doing checks with pedestrians that are standing at the car?

A No, ma'am, they get out of the car.

MS. WHIRLEY: They get out of the car, okay.

You said you know the voices and you can tell when it's distressed, did it appear to you that Officer Wilson was in distress?

A It appeared to me that there was a possibility of something going on, he was very quick.

MS. WHIRLEY: As you mentioned earlier?

A Yes.

MS. WHIRLEY: All right.

A Okay.

Q (By Ms. Alizadeh) You have no idea other than the information you testified about, what caused him to make this call?

A Correct.

Considering that he only made two calls after he left the sick baby, the first one was talking to officer 25 and 22, and then all of the sudden send me two cars.

MS. ALIZADEH: He doesn't say send me two cars.

Send me another car?

: I actually have a question about that because when he gets to Glenark, you ever notice that you guys, he never says I'm 23 or I"m out when he gets to Glenark? He just kind of says en route, we hear nothing from him.

A He did call 10-8 from Glenark. He called 10-8 from Glenark.

MS. WHIRLEY: You talking about when he arrived at Glenark?

A Yeah --

When he arrived, he said he never arrived?

A He did not, yeah, he did not say they arrived. Sometimes they don't say they arrive on calls.

MS. ALIZADEH: If the officer had put any information in the CAD system about that call on Glenark, that's not in these calls?

A Correct. And they can add information from the car in there. They can also put themselves on the scene and take themself off from the car as well.

MS. ALIZADEH: In the CAD system?

A Correct.

Q (By Ms. Alizadeh) And other officers can see that?

A Correct.

Q And you can see it?

A Yes.

Q Okay. But it is not a recorded transmission?

A No.

: . When he did sign off from Glenark, he said 10-8 with a report,

what does that mean?

A They do a CAD narrative in the computer stating that they went to the sick case and ambulance responded and pretty much that's it. We don't really do a whole lot with sick cases.

: Okay.

A It is just to document the case and to say an ambulance did respond.

This is him saying I arrived there, I took care of things, I'm out of here.

A Yes.

On a CAD system?

A Yes.

MS. ALIZADEH: Okay.

Q (By Ms. Alizadeh) Next call is track 370.

(Playing the recording.)

Q Is that ?

A Yes.

Q She's calling out to Darren Wilson?

A Yes.

Q 371.

(Playing the recording.)

Q So whose 24?

A That is Officer .

Q So he's saying he's close by and he's going to go and he's going to be the assist that Darren Wilson requested?

A Yes.

Q You heard Darren Wilson say I'm on Canfield and send another car?

A Yes.

Q 372.

(Playing the recording.)

Q And whose 25?

A Officer

Q Now, you can hear an engine revving in that; is that right?

A Yes.

Q But no sirens?

A Correct.

Q If they have their siren on when they are in the car and they are calling from their car, can you hear it?

A Yes.

Q And so he says I'm going out on Canfield?

A Correct.

Q So he's responding as well?

A Correct.

that was his sector, that was his area where Officer Wilson was?

A Yes, ma'am.

: So when we say that's their area, are they like canvassing that neighborhood or that's just the area that they are patrolling throughout the whole day?

A They, that is the area that they are responsible for that particular day. They move around the city. Different day they may be in a different sector. But they can leave that area and go to a different area on an assignment if there's no available officer for that.

I know I'm sorry, it is confusing, I wish I could explain it in a better way for you guys.

Best way I could explain it would be I will send officers from an adjoining sector if I have no officers available to respond. Meaning sectors that bump each other, that are close, I will put an officer from another sector to go there if someone needs help and there's not an officer available.

I was just confused because that was his sector, it seems as though he

would have already been in the area, right?

A Right.

: But he's not on none of the calls.

A He was on Kirk, he was still on Kirk with the elderly patient.

Oh, elderly patient, okay, all right.

Q (By Ms. Alizadeh) Now, Glenark, if you look at that map and that's the call that Darren Wilson was on previous, correct?

A Uh-huh.

Q And that is going to be, if east is to the right, that's going to be east of that map, correct?

A And I'm terrible with directions, but I believe so, yes.

Q Okay. And so you see that street Canfield that cuts through this?

A Yes.

Q If you continue on Canfield it comes out on West Florissant, correct?

A That is correct.

Q And Ferguson Market is on West Florissant?

A Yes.

Q And in the call when Darren Wilson says,

do you guys need help regarding the incident, the stealing up in West Florissant, nobody responds to him and says no, we got it covered, never mind?

A Correct.

Q Does he have a say to anybody, hey, I'm going to go to this call at Ferguson Market? Do we know why he was driving down Canfield?

A Canfield is a complete way for him to go from Glenark to West Florissant in sector one is up near the highway at West Florissant so that would have been a direct route for him to go to his sector.

Q To return to his sector?

A Yes, ma'am.

Q From Glenark he would have to go down Canfield to get to West Florissant to go back to his sector?

A That would be a quick direct route, yes.

Q All right.

I'm . You call these all sectors, okay?

A Yes.

No one officer, even if they are assigned to that sector, has territorial rights to that sector, do you understand what I'm

saying?

A That is correct.

If another officer is responding to that call because the main officer that's assigned there is doing something else, okay, when that officer is cleared that's normally assigned to that sector, he can't come back and then just take over for the officers that are there, you understand what?

A Generally they do not. Generally the officer that has the report finishes the report, but I do understand what you are saying.

: Okay.

Q (By Ms. Alizadeh) So if Officer Wilson is leaving a call and now he's going back in service and he hasn't been assigned anything, and he's headed back to his sector say, just assuming that. Is he allowed to do something in another sector?

A Yes.

Q So it is not like I can't stop these two individuals because this isn't my sector?

A Right.

Q (By Ms. Alizadeh) Any other question.

373.

(Playing the recording.)

Q Who is 22?

A Officer .

Q And we hear him and his engine is revving; is that right?

A Yes.

Q And what does that mean, 22 out?

A That means he's on the scene. I have to interject, you don't hear the siren because I can't hear them if they have their siren on, so that's why you're not hearing the siren in the recordings because that's all you would have.

Q The officer intentionally might not play their siren when they trying to transmit?

A Correct.

Q 347, 374.

(Playing the recording.)

Q You recognize whose voice that is?

A Officer

Q And then track 375.

(Playing the recording.)

Q I'm going to play that again, you tell me if you hear anything in this call or is this a call, does this sound like somebody --

A That is something come from a walkie, a mobile or a handheld.

(Playing the recording.)

Q You can't make out what's being said?

A No.

Q And you can't tell whose calling?

A No.

Q All you can tell is it came from a mobile, the walkie-walkie, which is a portable?

A Yes.

Q 376.

(Playing the recording.)

Q That's you?

A That's me.

Q What are you saying?

A I can't understand what was coming from the portable, so I'm checking their status because I know somebody called out, but I can't.

Q So whoever made that staticky call, you are calling out and saying 10-4 on Canfield, does that mean are you okay?

A Yes, yes.

MS. WHIRLEY: Are you, 10-4 is like acknowledgment, correct? What does 10-4 mean?

A 10-4 can be acknowledgment, but it also, are you okay, we use it are you okay, is everything good.

MS. WHIRLEY: Okay. So when you say 10-4 on Canfield.

A I'm asking if everything is okay.

MS. WHIRLEY: That's not a response that somebody said they were out on Canfield?

A No, ma'am, no.

Q (By Ms. Alizadeh) Now at this point are you concerned about what's happening and going on?

A Yes.

Q Why?

A Um, because I know 25 was looking for another one, so I know something transpired and I hear static and I'm not, they're not communicating with me. So the years I've been there and I've known a lot of these men since they were small, I say small, to me they're like my children almost. I've known them since they were rookies. I'm concerned about their well being because it is odd for them not to talk to me.

Q Okay. The two officers that you hear saying that they're going to Canfield and you can hear their engines revving, does that mean anything to you?

A Yes.

Q What does that mean?

A They picked up the same that I did, that he requested an assist car too quickly and there was a problem.

Q So it sounds like they're speeding or racing to that area?

A Yes.

Q 377.

(Playing the recording.)

Q Who is Frank 25?

A Officer .

Q Did you tell anything about his voice in that call?

A Yes, he's very distressed.

Q And he says send 23 to Coppercreek Court, and that would be Sergeant ?

A Yes.

Q For Officer , when he request a supervisor to the scene, what does that tell you?

A That something occurred.

Q Something out of the ordinary?

A Correct.

Q Something more serious than pedestrian check?

A Correct.

Q Or even arresting a subject for a warrant?

A Correct.

Q And then you hear Sergeant say, go ahead, and you hear the dispatcher say are you able to respond to Canfield and Coppercreek Court for 25?

A Correct.

Q Is that for Officer 25 or does that mean is 25 a code for something?

A No, for officer 25, for Officer .

MS. WHIRLEY: Now, is there anyway to tell at this point at Track 377 whether or not the shooting has already occurred?

A No, ma'am.

MS. WHIRLEY: There's no way to tell that?

A No.

MS. WHIRLEY: Nobody ever said shots fired?

A No.

MS. WHIRLEY: Nobody has ever said send a supervisor because we have an officer in need of assistance?

A No.

MS. WHIRLEY: So the shooting could have already occurred by this time?

A Yes, ma'am.

MS. WHIRLEY: When everybody is acting so

upset?
A Yes.
MS. WHIRLEY: Okay.
Q (By Ms. Alizadeh) Track 378.
(Playing the recording.)
Q So you recognize which officer that is?
A Yes.
Q Who is that?
A Officer .
Q Does he sound distressed still?
A Yes.
Q Now, at this point are you and in communication with each other?
A Correct.
Q What was going on between the two of you?
A Uh, I told something just occurred, both of our years of dispatching we knew it was something very serious. Something that entailed a detective processing the scene.
Q So now Officer is asking for detectives to respond to the scene?
A Yes.
Q And that's something more than a pedestrian check?
A Correct.

Q Something more than we've arrested somebody with warrants?

A Correct.

MS. WHIRLEY: But for the detectives to be coming to process the scene would be an indication that the shooting has likely occurred?

A Yes, ma'am.

. Can you give me the time on the track 374?

Q 374, let me get this out of the way here. It is 12:22:18.

: And then the time on 378?

Q (By Ms. Alizadeh) 378 is 12:23:11?

MS. WHIRLEY: Would you give me the time on 369?

MS. ALIZADEH: 369 is 12:21:05.

Anybody else?

Again, keep in mind that does not actually mean what time it was, but gives you a perspective on the time in between these calls.

Anybody else.

Now we are on call 379, track 379.

(Playing the recording.)

Q (By Ms. Alizadeh) That's you?

A Yes.

Q So Frank 23 is Sergeant ?
A Yes.
Q What is this, what are you saying to him in this call?
A He is still on the call on Kirk with the elderly female and I'm telling him I'm unable to get ahold of anyone at the agency. He has requested and I've also tried United Way and they are not available.
Q So prior to these recordings that we are listening to, he had called into dispatch and asked you to try to get ahold of somebody with an agency that maybe could assist this woman?
A Yes.
Q So this was in response to Sergeant inquiring earlier about the elderly woman?
A Yes.
Q Not related to Canfield apartments?
A Correct, not related.
(Playing the recording.)
Q And so now I wrote 24 there, that's not 24 is it?
A Right, it is 23.
Q Can you all change that? That was Officer 23, Sergeant ; is that right?

A Yes.

Q And so he's saying he's finishing up on the call on Kirk?

A Yes.

Q He says 24 remains, what does that mean?

A That means 24 is going to stay there with her.

Q And that would be ?

A Yes.

Q And so then he's wearing clarifications of where he is pond to.

. Was Officer the first officer on the scene after Wilson and saw the two guys.

A I believe so, I believe so.

: . So this is telling us, this call is telling us Officer was there, Sergeant was there, as well as who is responsible for secretary four that day?

A Correct, they were both on Kirk.

Q (By Ms. Alizadeh) Both on Kirk?

A Yes, ma'am.

Q Now, let me ask you this. It is not recorded and maybe you don't remember, but did Officer request a supervisor on that call on

Kirk?

A I believe so.

Q Is it typical for a supervisor to respond to a call or assist?

A Usually a supervisor will respond if there is no other unit available, but also a supervisor will respond if an officer is having a difficult time communicating with someone and he is our officer.

Q Officer is

A That is correct.

Q Anybody else? So we're going to call 381.

(Playing the recording.)

Q Now, that was speaking, correct?

A Yes.

Q Who is she talking to?

A She's talking to the officers, letting them know that EMS was en route.

Q The officers on Canfield?

A Yes.

Q What is EMS?

A Emergency medical.

Q And so he's indicating medical personnel's responded?

A Yes.

Q All right. Did somebody call for that?
A I believe the officers asked for that. I think they called us on the phone and asked for that but there was also a firetruck that was cutting through Canfield back to West Florissant that was assisting the child with difficulty breathing that automatically stopped. You can hear the fire channel when you are in dispatch, correct?
A Correct.
Q Your recollection is that there was a firetruck that had been leaving that Glenark call?
A Yes.
Q Was like right there when probably the first responding, I think you told me you thought that was the first emergency vehicle on the scene?
A Correct.
Q Besides the --
A Officers.
Q -- officers?
: I have a question, At this particular point then are we still, I'm kind of confused about this channel, that channel. Are we on the Ferguson channel, or we on the RIOT A channel or what?
A I can monitor the fire department channel,

I have that ability from my console. And I could hear them, the traffic coming out on that channel as well as the traffic coming out on that main channel. The communication will come from both channels, just one is louder than the other. And that's how I can differentiate between which one is which.

: Okay.

This we are hearing is on the dispatch channel?

A Correct.

MS. ALIZADEH: No one else?

Q (By Ms. Alizadeh) Track 382.

(Playing the recording.)

Q And that's you?

A Yes.

Q That's Officer saying he's arrived at the scene?

A Yes.

Q And you call out he's there at 12:05?

A Yes.

Q So at the time of this call on the tracks we've gotten on the disc say 12:25:40. 12 p.m., 12:25 p.m. and 40 seconds. You put him out there at 12:04?

A Yes, ma'am.

Q And then 383.
(Playing the recording.)
Q That's Officer calling out?
A Yes.
Q 385.
(Playing the recording.)
Q So who's Officer 27?
A .
Q You recognize him?
A Yes.
Q He was the officer, he says I'm leaving the station. He had been conveying a prisoner; is that right?
A Yes.
Q So he responded saying I'm going to go out to the scene as well?
A Yes.
Q 386.
(Playing the recording.)
Q What's that about?
A We have a channel that we call point-to-point that we can communicate with all agencies in the area, and we call them point-to-point and we get immediate assistance from that other agency. St. Louis County is the closest

big jurisdiction that is near us, so we would always call them immediately with something.

Q And that's voice?

A No.

Q Is she on the point-to-point channel?

A Yes, ma'am.

Q So that's different than the dispatch channel?

A That's correct.

Q You can hear her calling out on the point-to-point channel?

A Yes.

Q 387.

(Playing the recording.)

Q 388.

(Playing the recording.)

Q 389.

(Playing the recording.)

Q Is that the major that you already heard from today?

A Yes.

Q And he's with Country Club Hills?

A Yes.

(Playing the recording.)

Q Can you understand what they're saying in

that call?

A He's inquiring if we need additional units down on Coppercreek. We told him affirmative we do and he advised that he would be en route.

Q 391.

(Playing the recording.)

Q Is that ?

A Yes.

Q Why is she calling out Ferguson?

A She's answering point-to-point. Unfortunately, our system does not tape the receiving information that we get on point-to-point, it only records outgoing information.

Q Okay. 392.

(Playing the recording.)

MS. ALIZADEH: Yes.

: Can I listen to track 390 again because it says at the very end it is unintelligible, but to me it sounds like he's saying what do you got there.

MS. ALIZADEH: Sure, I'll play track 390 again.

(Playing the recording.)

Q (By Ms. Alizadeh) 393.

(Playing the recording.)

Q Now was that 24 or 25?
A 25.
Q So I wrote that wrong?
A (Nods head.)
Q Track 394.

(Playing the recording.)

MS. ALIZADEH: So FYI people, the rest of these calls are obviously after the incident. I did go through these calls with them for a bit longer. Is there interest in hearing them? Let me ask you this, do you ever hear Officer Wilson call out on the radio again?

A No.

MS. ALIZADEH: Is there anybody who wants to listening to calls or you interested in whether there is a call for something specific? Anyone?

We can keep playing the calls. It is a lot of the aftermath and the crowd control and the need for additional units and so forth.

: I just have a question.

At what point do you understand what happened or what the situation is?

A I understood that there was a problem. I never fully knew what transpired until my captain actually called me on the phone and said this is

what happened. He wanted to make sure we knew.

: Okay.

A We never were told. We just knew there was a serious problem.

MS. WHIRLEY: This is Sheila Whirley, did you see Darren Wilson come back to the station after this call?

A Not directly after the call, no, ma'am.

MS. WHIRLEY: When did you see him again?

A I saw him a couple hours later in the detective room.

MS. WHIRLEY: What was he doing?

A He was in there with a detective waiting for St. Louis County.

MS. WHIRLEY: Was he fully dressed at that time?

A He was in his uniform, yes, ma'am.

MS. WHIRLEY: And did you talk to him at all?

A No.

MS. WHIRLEY: Did you know that he was involved in a shooting?

A At that point, yes, ma'am, I did know.

MS. WHIRLEY: Did you say anything to him like I'm sorry to hear about this?

A No.

MS. WHIRLEY: There was no communication between to two of you?

A No, I actually had just walked past the door.

MS. WHIRLEY: Did you observe his demeanor?

A He was very quiet, seemed very quiet.

MS. WHIRLEY: Because you know him?

A Yes.

MS. WHIRLEY: So when you say quiet, was he, you know, tearful or anything.

A Very solemn.

MS. WHIRLEY: Solemn, you would describe it?

A Solemn.

MS. WHIRLEY: According to the transcript that we're looking at, seems like the last time you heard from Frank 21, which was Officer Wilson, is when he said put me on Canfield with two and send another car.

A Yes, ma'am.

MS. WHIRLEY: You never heard anything else from him?

A No.

MS. WHIRLEY: Okay.

Q (By Ms. Alizadeh) But there is another call that you actually responded to because you couldn't tell what was being said or who was calling; is that right?

A Yes.

MS. ALIZADEH: Anyone else?

That would be the static call?

A Yes.

: If that call is on a different channel, would you be able to hear that static as a dispatcher.

A When you say different channel, are you talking about a channel on their portable or a channel --

Channel on the portable.

A No, I do not have the same access to their channels that on my --

--

MS. ALIZADEH: No, you're

: I'm trying to blame everything on . I hear so much it gets in my mind.

Track 369, that's when the call, I'm on

Canfield, was it 12:21:05, that's not real time, but it is a time, correct?

MS. ALIZADEH: Yes. You want me to double check the time?

: Well, no, I wrote it down. I know that's what was on the track.

And then on 378, that's if we have a detective on duty respond as well. So that's pretty much, we can say that's pretty much after everything is done as far as the shooting that was at 12:23:11, which was like two seconds or is that two minutes.

MS. WHIRLEY: Two minutes.

: This whole thing pretty much was over in two minutes, that's a fairly short period of time. So, I mean, we are hearing people talk about six minutes and two minutes from the time he got out of the car until --

: . You take the time of 377, which is 12:22, assuming when he's asking for the supervisor when he was already at the scene, it is one minute.

Two minutes or less.

MS. ALIZADEH: I will assume then you don't want me to play the rest of the calls? If need be, you can listen to them. You know, don't

necessarily trust the transcript because obviously I've made some mistakes and I didn't actually, we didn't finish the transcript because I was, I knew I was keeping you guys waiting this morning.

If there is a need to listen to additional calls, you let me know because I'll probably want her to verify whose talking and what's being said because I can't trust myself, I don't know whose voice is who, okay.

MS. WHIRLEY: I have one other question. When we talked about this orange alert button, you talked about it too. If shots were fired or officer discharging his weapon in some way like that, would you expect that alert button to be enabled?

A If he had a chance to, yes.

MS. WHIRLEY: Okay.

A But that is usually, I mean, their walkie is attached on their hip and it's pulled over. So they have to reach down on their hip to push that button.

MS. WHIRLEY: Okay. And then there's an alert button inside the car also?

A Yes, but it is on the radio itself.

MS. WHIRLEY: Is that button bigger, larger than the one --

A I do not know what the button looks like there.

MS. WHIRLEY: Okay, all right, thank you.

MS. ALIZADEH: Okay.

(End of the testimony of)

MS. ALIZADEH: Good afternoon. This is Kathi Alizadeh, today is November 10th, it is 1:44 p.m. Sheila Whirley is here, all 12 grand jurors are here, and , the court reporter, is here.

We just finished with our lunch break and so we're going to resume for the afternoon and so what we're going to start with right now, last week there was a request for me to try to get some clips of a press conference or press conferences that Chief gave or made after the incident in Ferguson.

So I did find online several clips or press conferences. And I'm not 100 percent sure which one you might be referring to, so I know that there was a question of whether or not he talked about whether the officer knew or what he might have known.

So I have two, I have two clips where that might be what he's talking about.

If you will bear with me, I will go ahead and play those. I will play one clip first and that might be the one you are talking about and you might say oh, good, that's it, we don't need to do the other one. But if not, then we'll play the other one as well.

I'm going to put a disc in here and see I have no idea what disc it is. So let me put this disc in here. Then I'll mark it.

I'm going to mark this as Grand Jury Exhibit 91.

(Grand Jury Exhibit Number 91 marked for identification.)

MS. ALIZADEH: Because I got these off of the internet, I cannot say for sure when this conference was because it doesn't really have a date on it. We'll just see if this is what you might be interested in.

Go ahead and pause the recording.

, pause the audio recording and if you will try to dictate statements made at the press conference, not dictate, transcribe.

(Playing of the conference recording and I am transcribing.)

CHIEF : First of all, thanks for

everybody for coming out. Sorry about being late, I know that the timeline hasn't really played out like I expected it would. But as some of you are aware, I've had a lot of Sunshine request, Sunshine Law request for information and documents about a variety of things, some of which is not available to me.

But anyway, I'm here to talk about two things. First of all, the name of the officer involved in the shooting and then I've had a lot of Sunshine request for information I'm going to be releasing information about a robbery that occurred on August 9th immediately preceding the altercation and shooting death of Michael Brown.

It's important to know that I have made contact with someone who is in contact with Officer Brown's (sic) family making them aware of this information being released.

What we are making available today is the dispatch records, the video footage of a robbery, a strong armed robbery, a use of force that occurred at a local convenience mart.

I cannot discuss the investigation about the attempted apprehension of the suspect and strong armed robbery, that goes to the County

Prosecutor's office. I won't be taking any questions today right now, but I won't be taking any questions here. I want to get this information to you, everybody digest it and then later on sometime in the afternoon we can get together again and then I'll take questions.

So I just want to give you a little timeline of what happened. On August 9th from 11:48 till noon the officer involved in the shooting was on a sick call on Glenark. There was an ambulance present.

At 11:51 there was a 911 call from a convenience store nearby, not this one. At 11:52 dispatch gave a description of a robbery suspect over the radio. A different officer arrived at the store where the strong armed robbery occurred.

A further description with more detail was given over the radio and said that the officer was walking toward -- the suspect was walking toward QuikTrip.

Our officer left the sick call, he encountered the, sorry. At 12:01 p.m., our officer encountered Michael Brown on Canfield Drive. At 12:04 a second officer arrived on the scene

immediately following the shooting. And 12:05 a supervisor was dispatched to the scene and subsequent officers arrived.

There has been some questions about the calling of an ambulance, the ambulance that was at the sick case on Glenark was coming by immediately following the shooting and they did respond to assess Michael Brown.

So I'm going to have some police officers going to be handing out packets that have all the information that was requested on the Sunshine request concerning the robbery. We're going to give those packets, first of all, to those agencies that had made the Sunshine request and then anybody else who wants them, I think we have enough to give out. We've got quite a few.

Sorry. The officer that was involved in the shooting of Michael Brown was Darren Wilson. He's been a police officer for six years, has had no disciplinary action taken against him.

He was treated for injuries which occurred on Saturday. Again, I won't be taking any questions at this time, but the packets will be handed out by my officers. The name is Darren, D-A-R-R-E-N, Wilson, W-I-L-S-O-N. And thank you and

I will see you again soon.

(End of the recording.)

MS. ALIZADEH: I just finished playing Grand Jury Exhibit Number 91. I'm now going to play another disc, which is Grand Jury Exhibit 92.

(Grand Jury Exhibit Number 92 marked for identification.)

(Playing of the recording of the press conference and the following is a transcription:)

CHIEF Okay, thank you. All right. So I gave you a whole bunch of, first of all, thank you for coming out here. We wanted to do this in this environment so we can hear each other and get whatever information we have left out.

So I gave you a lot of information this morning. I wanted to give you a chance to let you go over it. And if we've had some questions that have been coming into our Twitter and so forth, so I'm going to a address some of those.

A question about the timing of the release of the tape. So we have had this tape for a while and you know we had to diligently review the information that was in the tape, determine if there was any other reason to keep it, anybody else to be charged in the crime, we had determined that that

was not going to be the case.

We got a lot of Freedom of Information request for this tape and at some point it was just determined we had to release it. We didn't have good cause or any other reason to not release it. And so decided at the same time it wouldn't be prudent to release that information which, you know, could be a little bit, I don't know.

We needed to release that at the same time we would release the name of the officer who was involved in the shooting. So that we could just keep open and give you all the information we had. We pretty much have given you every bit of information that we have now. I don't think there is anything else that we have to give out.

Regarding the second suspect who was in the store and the tape, Dorian Johnson, we determined that he did not commit a crime and was not complicit in the crime.

And clarifying one of the other questions that came quite a bit was on the role of two officers. Some were thinking it was the same officer that handled the robbery as was involved in the shooting, that is not the case. There were two separate officers.

This robbery does not relate to the initial contact between the officer and Mike Brown. Having said that, I will take a few questions.

QUESTION: Do you have any information to justify the incident of force, particularly outside department?

CHIEF : Okay. I understand that and these are questions that have to go to the investigation and I don't think anything from the investigation is going to be released until it is complete.

QUESTION: The officer who fired the shots whether he knew Mr. Brown was involved in this incident, whether he knew that Mr. Brown was involved?

CHIEF : I can only go up to a certain point and then it is unreleased information in the investigation. And that certain point is the initial contact between the officer and Mr. Brown was not related to the robbery.

QUESTION: (Inaudible) Can you as a matter of protocol describing conditions under which a weapon was discharged?

CHIEF : There's a use of force report that we have, but the whole, all the reports

are going to be written on this are going to be written by the St. Louis County Police Department. They had total control of the investigation.

QUESTION: (Inaudible.)

CHIEF : I don't have it in my possession. Everything belongs to the County.

QUESTION: (Inaudible.)

CHIEF : Um, I have to take a look at it. Just take a look at the tape.

QUESTION: (Inaudible.)

CHIEF : Okay. All I did was release the videotape to you because I had to. I've been sitting on it. Too many people put in a request for that thing so I had to release that tape to you.

QUESTION: (Inaudible.)

CHIEF I understand that, but considering if I just release that tape and didn't release the officer's name, there would be similar questions.

QUESTION: Michael Brown's family was the media's way the police chief has chosen to disseminate piecemeal information in a manner intended to assassinate the character of Michael Brown. What is your response to that?

CHIEF : My response to that is first, my heart goes out to the family. I can't imagine what they're going through. We have given you everything that we have now and everything that we can give you. From our police department you have everything we've gotten. There is nothing else to give you.

QUESTION: (Inaudible.)

CHIEF : No, I had meetings scheduled with the family yesterday morning, representatives from the family came, the family did not, they haven't had a chance to completely consult with their attorney.

QUESTION: We asked you guys questions about the way you handled this case happened this case why you are releasing the information you said was under investigation, you just put more citizens in trouble by releasing that video. Now they have to be protected because their store and their business have been placed in the media. You say you are concerned about safety, but you talking about your officer?

CHIEF I'm absolutely concerned about the safety of my community.

QUESTION: Can you say whether he worked

at another police department in this area before he came here?

CHIEF Yes, he was A police officer for six years. Two of those years were with Jennings and four years with us. I can't go into the security of that officer.

QUESTION: Can you talk about (inaudible) The officer involved in the shooting was he aware of the robbery call?

CHIEF : I don't know. I don't know what came out in his interview. I know his initial contact was not related to the robbery, it was related to blocking the road.

QUESTION: So you're telling us that when the officer stopped Michael Brown the first time, he was not aware that Brown was a suspect in a robbery?

CHIEF : No, he was just coming off of a sick case, which is why the ambulance was there so quickly, but yeah, okay.

QUESTION: You're saying, what are you saying, Chief, did he know that he was aspect in the a case or did he not know?

CHIEF : No, he didn't. He was -- had nothing to do with the stop.

QUESTION: At this point why would he stop

Michael Brown?

CHIEF : Because they were walking down the middle of the street blocking traffic, that was it.

QUESTION: Did you find evidence of the stolen merchandise on the body?

CHIEF : Yes.

QUESTION: Why did you put more citizens in harms way?

CHIEF : Are there any other new questions?

QUESTION: (Inaudible)

CHIEF : I was asked that, I'm going to consult with my city attorney before we do that and make sure that's all part, I just got that question.

QUESTION: (Inaudible.)

CHIEF : They're doing a good job. They have actually been here with us since the very beginning of this thing and I have every confidence in St. Louis County Police Department is still here.

QUESTION: (Inaudible) The governor to bring in the State Highway Patrol do you agree?

CHIEF : That's political and I'm not going to get involved in that. What I will say

I know the officer in charge and have known him for years and have every confidence in him for information confidence in him.

QUESTION: (Inaudible.) Now the state police take over --

CHIEF : 28.

QUESTION: (Inaudible.)

CHIEF : Yes.

QUESTION: There some report --

CHIEF : The side of his face was swollen. This has already been released by the County Police Department. What I tell you about the incident, the shooting is what's been released by the St. Louis County Police Department. So everything I say to you I can't say anything other than that.

QUESTION: Tell us a little bit more about him, what kind of details did he work, kind of how would you describe his demeanor, did you ever have any issues with him, any termination action?

CHIEF He had no complaints, he was a gentle, quiet man, he was a safest officer, yes.

QUESTION: (Inaudible.)

CHIEF : Yes, we do.

QUESTION: Could you describe him as best you can?

CHIEF : He was a gentleman, a quiet officer, and he has been an excellent officer for the police department.

QUESTION: How has he been affected by this?

CHIEF It is devastating, absolutely devastating. He never intended for any of this to happen.

QUESTION: The officer, if he did not feel, if the murderer and the robbery did not come together, why did the video come out and the robbery is not related?

CHIEF : Because the press asked for it.

QUESTION: (Inaudible)

CHIEF Pardon me? Does anybody remember. I don't remember, but I will find out for you. One more question.

QUESTION: (Inaudible.)

CHIEF : Try it again?

QUESTION: Earlier in the day you said the officer was responding because of a description of a robbery suspect that had gone out and that

description matched Michael Brown. Now you are saying he only shot Michael Brown because he was blocking traffic being?

CHIEF : No, no, no, I don't think he went there for a robbery call, he was in the area following the robbery because he was on a sick case.

QUESTION: If the robbery had nothing to do with the stop, then why did you release the video of the robbery, what's the explanation?

CHIEF Because you asked for it, you asked for it. I held onto it for as long as I could. Yes.

QUESTION: (Inaudible.)

CHIEF : Captain and I just spoke about our communication breakdown and we -- I talked to Chief about this, we talked to the command post out there, but I did not personally call him, I should have done that. I'm still in County being in charge mode.

Thank you very much.

(End of the playing of the press conference.)

MS. ALIZADEH: Is that the interview you were talking about? The only other one I have was really pretty long.

: That's it.

: The one question the reporter asked about why did he earlier say that the officer didn't know, that was kind of --

MS. ALIZADEH: I haven't found a clip where he actually says that.

: He does say that though.

MS. ALIZADEH: I don't know if he says in the audio or a press conference, I'm not really sure. I wasn't able to find that statement, but he does say something about you earlier said this and then officer Chief responds.

If anybody is aware of any other clip. I know that typically we tell jurors not to do any research on the case, but if there is a clip that you all think that you want the rest of the jurors to view, if you can just bring it to my attention, I can give you my email address and you can email me the link or something and I'll make sure I get it copied so we can show it to everybody. But from what I understand, this is the clip you were talking about?

Okay. So I just played Grand Jury Exhibit 92, which is another recorded audio, video clip of a press conference that was made by Chief and

I'm not sure when it was made. So, obviously, after the shooting, but I'm not sure when in time it was made. So at this time I am going to call Chief . I talked to y'all about I thought it would be prudent if we're going to have clips played of him making statements, we would call him as a witness and have him talk about that and answer any of your questions in relation to that.

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q , could you state your name and spell it for the court reporter, please?

A

Q And, sir, where are you employed?

A Ferguson Police Department.

Q And what do you do for the City of Ferguson?

A I'm the chief of police.

Q How long have you been the chief of the City of Ferguson?

A About four years and eight months.

Q And are you a commissioned officer?

A I am.

Q So how long have you been a police officer?

A A little over 35 years.

Q Prior to your employment as the chief of the City of Ferguson, did you work for the City of Ferguson in any other capacity?

A I did not.

Q So where did you work, what were you doing prior to coming to the City of Ferguson chief of police?

A I was s employed by the St. Louis County Police Department.

Q All right. And so have you ever been employed by any other police departments besides St. Louis County?

A No, I have not.

Q So after going to the police academy, your career was with the county and chief of police of Ferguson?

A Yes.

Q What did you do as a police officer for the St. Louis County?

A I started out in patrol, then I did four years as an undercover detective, narcotics. I spent five years an operator on the SWAT team. About a year as a burglary sergeant, another three years as a sergeant in the SWAT team.

Finished my career as lieutenant and then captain of the St. Louis County Multijurisdictional Drug Task Force.

Q All right. And when you left the county, did you retire from the county?

A I did.

Q And from there did you go directly to being the chief at Ferguson or did you have a hiatus?

A I took a weekend off, it was very relaxing.

Q So you had been, do you recall the date or the month that you started as the chief in Ferguson?

A It was March 8th, 2010.

Q And have you been the chief continuously since that date?

A Yes, ma'am.

Q And as the chief of police, you have

police officers that are under your command; is that right?

A Yes, ma'am.

Q Can you describe the hierarchy of command. So you are the senior law enforcement official, correct?

A That's correct.

Q Who would be directly under you?

A Now there's a new position of assistant chief. I have captains for patrol and criminal investigation, and then I have lieutenants for patrol, and sergeants for patrol and for communications and auxillary services. I also have correction officers and dispatch center.

Q And we've heard from your communication officer and one of your dispatchers, Ferguson dispatches for themself, correct?

A They do.

Q They also, you also answer your own 911 calls?

A Yes, ma'am.

Q Um, so as the chief of police, you mentioned that there is an assistant chief of police, is that what you said?

A Yes.

Q You said it was a recently created position, was that position, had that position been created by March 9th, I'm sorry, August 9th of this year?

A Yes, it was August 1st, I believe.

Q Okay. And who is the assistant chief?

A .

Q And then you have a sergeant under your command named Sergeant , correct?

A I do, yes, ma'am.

Q So were you working on August 9th of this year?

A No, I wasn't.

Q Do you recall where you were when you first learned that there had been an officer involved shooting?

A Yes, I, it was driving westbound on Interstate 70 to have lunch with .

Q So this was on a Saturday, correct?

A It was.

Q And you were not working that day. So how is it that you learned about the officer involved shooting?

A I got a call and a text from Sergeant . I was driving at the time so I waited until I

got off the highway and checked that briefly. Alerted me that there was a fatal officer involved shooting, so I called him.

Q So the message was from ?

A It was.

Q And did you call then?

A I did.

Q Did you reach him?

A I did.

Q About what time of day is this, do you know?

A It is around 12:15, 12:20.

Q So when you contacted , was he at the scene on Canfield?

A I believe he was there at that time.

Q And what did he tell you about what had happened?

A Briefly he told me that there was an officer involved shooting. I asked him who the officer was and if the officer was okay. And you know, he had already told me that it was a fatal shooting and he did say that the scene was starting to get a little bit tense.

Q All right. And after getting that information from Sergeant , what did you do?

A I contacted my chief of detectives, and informed him, wanted his blessing that I intended to ask to handle the investigation.

Then called , chief of police of St. Louis County and asked him, informed him briefly what he had, told him I didn't have a lot of details, but since it was a fatal officer involved shooting I would prefer that they did the investigation.

Q And was this prior to you getting to the scene that you made these phone calls?

A Yes, ma'am.

Q And ultimately did you proceed to the scene on Canfield?

A I did.

Q And about how long now had it been from the time you got the call from Sergeant until you got down to the scene?

A I'm thinking it was about 45 minutes, maybe a little longer.

Q And when you got to the scene, was County Police already at the scene?

A They were.

Q And was the scene roped off?

A There was a lot of tape, crime scene, yellow crime scene tape all over the place.

Q Roped off is not right, taped off?

A Yes.

Q And so did you have another conversation with when you got down to the scene?

A Yes, I did.

Q And did he give you any more details about what had happened?

A Not a lot. It was a very chaotic scene and I asked him briefly what happened. He said that Darren Wilson was driving down the road, saw two people in the road, asked them to get out of the road. Words were exchanged, a scuffle ensued, there was a shooting inside and then outside of the vehicle.

Q Okay. So, and you learned from your initial call with Sergeant that the name of the expert who was involved in the shooting, correct?

A Yes.

Q When you got down to the scene on Canfield, was he there?

A No, he was not.

Q Have you ever seen him since then?

A No, I have not.

Q You never saw him on the 9th?
A I didn't.
Q Have you had a conversation with Darren Wilson since the 9th?
A Yes, I had one conversation with him.
Q And when, approximately, was that?
A Uh, within a day or two of the shooting.
Q Was that, I guess, on the telephone since you haven't seen him?
A Yes, correct.
Q Telephone. Did he talk to you or give you any details about what happened that day on Canfield?
A No, nor did I ask.
Q So what was the nature of your conversation?
A Just to check on his general welfare, see if he needed anything to affirm to him he was on administrative leave and was subject to call.
Q Now, you're aware that Officer Wilson after the shooting was directed to go back to the station, correct?
A Correct.
Q And you're aware that at some point he went to the hospital, correct?

A Yes.
Q And you're aware that , Lieutenant was with him at parts of that day, correct?
A Yes.
Q Did you ever talk to Lieutenant about whether or not officer Wilson told him what happened?
A Yes, he did.
Q What did he tell you?
A He gave me a little more detail, but it was essentially the same thing.
Q Okay. Now, are you aware, you are aware, aren't you, that Officer Wilson was interviewed by County Police, correct?
A Yes.
Q Did you ever hear that interview?
A No I did not.
Q Did you ever read a transcript of that interview?
A No, I did not.
Q Are you aware Officer Wilson was interviewed by the FBI?
A I am.
Q Did you ever hear any recordings of that

or read a transcript of that interview?
A No, ma'am.
Q Did you ever read any police reports about statements that were made by Officer Wilson?
A No, I did not.
Q Did you ever talk to any FBI agents or any County Police about what Officer Wilson told them?
A No, I did not.
Q There's, obviously, at some point in the investigation there is some information that is learned that Michael Brown was involved in a stealing that took place on the same day prior to the shooting up at the Ferguson Market, correct?
A Correct.
Q When did you first learn that, about Michael Brown being involved in a stealing or I think you have termed it a strong armed robbery but the incident at the Ferguson Market, when did you learn about that?
A I think it was later in that day that somebody on the scene said this may be the same two individuals that were involved in the incident at 9101.
Q Did you ever ask Officer Wilson or did anybody ever tell you that Officer Wilson told them

about what he knew or didn't know when he first encountered the two subjects, who we now know are Michael Brown and Dorian Johnson, on Canfield?

A I don't have any direct knowledge of what he knew or suspected at the time.

Q Now, prior to you coming in the grand jury this afternoon, I played a couple of your press conferences for you; is that right?

A Yes, you did.

Q And you talk in your press conference that Officer Wilson, the reason for his stop was not because of those two being involved in the stealing at the Ferguson Market. Why, can you explain the comments you made during your interview?

A Sure. I was simply restating what was told to me at the time that the initial contact was related to two individuals walking in the street and him instructing them to get out of the street.

Q Okay. And so, and that came to you not from Darren Wilson, but from other person correct?

A Correct.

MS. ALIZADEH: Sheila, do you have any questions?

MS. WHIRLEY: Let's see. I'm just following up on that last question of Kathi's. You

said someone else told you that the initial contact with Michael Brown had to do with them walking in the street?

A Yes, ma'am.

MS. WHIRLEY: Do you know who told you that?

A Sergeant

MS. WHIRLEY: Sergeant . I didn't hear that part, okay. But so when you got on television, you basically said that that was not the reason, the stealing at the market was not the reason for the initial contact?

A The initial contact. That's the information that was relayed to me.

MS. WHIRLEY: When you say initial contact, what are you referring to?

A The reason he spoke to them initially.

MS. WHIRLEY: Okay.

A Hey, move to the sidewalk, or whatever he said.

MS. WHIRLEY: Does that include him backing up the car when you say initial contact?

A No.

MS. WHIRLEY: Is that something different?

A No, that's different.

MS. WHIRLEY: Okay. Do you have a personal relationship with Officer Wilson? I know you spoke very highly of him.

A Not a personal relationship, just professional.

MS. WHIRLEY: Just one of your officers?

A Yes, ma'am.

MS. WHIRLEY: But nothing, you don't socialize with him outside of work or anything like that?

A No, ma'am.

MS. WHIRLEY: Okay. And I think you already told Kathi that you did not see him that day.

A No, I did not.

MS. WHIRLEY: And the first day, when you talked to him later, when was the first time you saw him after this happened.

A I haven't seen him since.

MS. WHIRLEY: Oh, you have not seen him?

A No, ma'am.

MS. WHIRLEY: Okay. Now, we've talked a little bit about an orange, an alert button that the officers have in their car and on their portable walkie-talkies.

A Yes, ma'am.

Q (By Ms. Whirley) You are familiar with that, of course. Is that something the officers are taught about or have training on how did to use that button and when to use that button?

A Yes, ma'am. They actually test them on occasion.

MS. WHIRLEY: Is this the kind of incident that you would have imagined or expected for an officer to use the button?

A I would expect any time there is a physical confrontation that would be a useful tool, yes.

MS. WHIRLEY: And if, you know, shots are fired, certainly you would expect someone to use that button.

A Yes, ma'am.

MS. WHIRLEY: That's all I have right now. Anybody else?

. Follow-up on that question. You have a lot of experience, obviously. You hear about this orange button, obviously, it is intended for kind of I need help, the officer, I need help kind of button.

A Yes.

Something like his obviously happened very quickly, would it be unusual not to have that button pushed? I mean, are surprised it's not or in your experience it may not?

A I don't know whether it was pushed or not, I don't.

: If it was not, would you be surprised necessarily?

A No, not necessarily.

: Okay.

: . Officer Wilson when he testified before indicated to us that he did not carry a taser. And his reason for such is that it was uncomfortable to carry. I mean, is it standard procedure for an officer to dictate what he will and will not carry.

A Um, under the circumstances tasers, I didn't know that he didn't carry the taser until after the incident that day. We have a limited number of tasers.

When I actually got to the Ferguson Police Department, there were a lot deficiencies that I wanted to correct, and one of them was there were too many incidents where a taser could have been used, but we didn't have them.

So I set about trying to locate some money and just buy a few at a time. We don't have a taser assigned to each officer, but we're trying to improve that.

: Okay. Just in addition to that, how long has this been known you don't have enough tasers for every officer, I mean, when did you discover the problem?

A They didn't have enough?

: About the lack of amount of tasers.

A There were no tasers when I started working there at all.

: Okay.

A I bought five with some grant money that I was able to dig up and with some asset sharing. And then as I got another grant, I bought a few more.

: Uh-huh.

A I'm trying to get enough so that each officer will have his own personal.

When you get this grant, is it a grant, um, that is specifically set out for those tasers? Like when you feel that you need some tasers or whatever, do you initiate this grant, I want X amount of money, I need five more tasers.

A It is more, that's pretty much the case, ma'am. We get notified or we search for grants that are available.

: Uh-huh.

A In this case I think this was through the State Cops Program that there would be an application process for grants. So you have the opportunity to say, I have this need, then you have to have explain the need and justify it and then say how much money you would like to have.

And then they decide how much money they are going to give you, if any.

: When you receive the money, you put in, say you put in for the tasers, okay. You get the grant money delivered to you or whatever. And say there is something else that comes up that you feel now is more warranted. Do you specifically have to use that grant money?

A Yes, ma'am.

: Okay, all right.

MS. ALIZADEH: I want to clarify whether or not they needed more tasers in the Ferguson Police Department or should have is certainly something that needs to be addressed at this point, but for this incident, Chief, you're aware that,

you're now aware that Officer Wilson did not have a taster on his person; is that right.

A Yes.

Q (By Ms. Alizadeh) Were officers required to carry a taster at that time?

A No.

Q So was it up to the individual officers to decide whether he was going to carry a taser?

A Pretty much, yes. This is a less lethal may be used and precisely we didn't have enough for everybody.

Q Is it possible that there could be more officers working a shift than there would be tasers available for that shift? In other words, maybe six officers working and maybe at the time you only have five tasers that were actually working at the time?

A That is possible. I don't know if that was the case here.

Q But regardless, we know now he didn't have a taser with him?

A Yes.

Q And that wasn't required at the time?

A No.

MS. ALIZADEH: Anybody else?

: . What is

your protocol when it comes for one of your police officers, maybe another scene just happened on August the 9th, do you, was it your own authority or opinion not to speak to him about what happened at the scene or was you instructed?

A No, ma'am, it was my decision to turn the entire investigation over to St. Louis County Police Department and to separate myself, my detectives from that. I just believe 35 years in law enforcement we not only have to be impartial and fair, but there also has to be no appearance of impropriety.

It just seems like an agency, I came from a very big police department, moved to a very small police department. Small, much smaller police department and it just seems that the department that size needs to move something this critical like a fatal officer shooting to a larger law enforcement agency or particularly a different law enforcement agency to handle.

: Also I don't believe that Officer Wilson had mace either, did you know that?

A I did not know that.

Are they checked regularly, whatever they have on their gear, do they

have like a captain like protocol command so someone checking their uniforms before they leave the department.

A Yes, ma'am, we have roll call and the supervisor is responsible for making sure of those things.

. I'm going to go back to what nine has. Is mace required because I thought he said he had mace but didn't spray it because it was too close in the vehicle for it not to affect him.

: If I could say something, . I believed the reaction that he gets from it would cause more problem or cause him to be more debilitated.

: That was my question. Did you recall the he had it or did not?

MS. ALIZADEH: At this point rather than discussing the witness' testimony, I have provided you all the transcript previously because there was a question about another point of another witness' testimony. So if you want to ask this witness questions about what his knowledge or information was or the policies or protocols, I'm not cutting you off from asking that question, but talking about

what other people might have said, probably better to go back and refer to the transcript.

: Mace is not required?

A Mace is issued to each officer so they are, issued equipment is expected to be carried but it is going to be largely to the officers discretion which item to use. For example, I would not be in very close quarters use pepper mace.

But you would expect your officer to have it on him?

A I would expect.

: When he's on patrol?

A Yes.

. So in your career in law enforcement have you ever been dealt with or been involved in any way in other officer involved shooting?

A Yes.

So my kind of question onto that is, in other words, there was talk about how the officer left the scene in this incident. He left by himself in Sergeant vehicle, went back to the station to wash his hands, is that some typical protocol? Should he have been escorted? I don't know, I'd just like to know.

A That's news to me too, but I would of had someone else take him to the station. I certainly had someone else take him to the hospital.

: If you could, maybe, in your role in your experience before working at Ferguson, what was the relationship with the community, the police department in the community.

A In my four years there excellent. We have nine community associations, neighborhood associations in Ferguson. And I'm very well acquainted with all the members of those. Go to a lot of their meetings. I send my officers there to give them crime updates every month at their meetings.

I attend all the events, I sing the national anthem for them at the 4th of July and the beginning of the 5K run that we have every year. It is a very active, involved community.

MS. WHIRLEY: What about Canfield Green, the folks that live in the Canfield Green Apartments, are they involved in these associations and active with the police?

A We were trying very hard to get associations over there and neighborhood watches over there. We went over, it is a big complex as

you probably know. Canfield Green runs into the Northwinds Estates, runs into Oakmont, they are all, it is a very dense community. So we were trying to get neighborhood watch in there.

So we do things such as we have resource displays where we bring the dogs, firetrucks and the officers over there and everyone, every resident gets a copy of the Ferguson Times that says all the events are happening, things like that.

It has been difficult to get a neighborhood association going over in there.

MS. WHIRLEY: Why do you think that is?

A Probably a lot of it has to do with the transient population. People don't plan on living there for long periods of time, so they don't get deeply involved in the community.

But we also did several things with all of those apartments, you know, try to improve quality of life and reduce crime in those areas. We were very involved in there.

MS. WHIRLEY: How many officers do you have, I don't know if you said that already.

A Total of 55, including myself.

MS. WHIRLEY: 55.

A Yes, ma'am.

MS. WHIRLEY: Were you concerned or did you have any thoughts about the information that we now know and you may know, I don't know, that as you said the initial contact with Michael Brown was when Officer Wilson told them to get out of the middle of the street and then he backed up, I guess at this point he may have known about this stealing at the Ferguson Market, he backs up, and, you know, he's confronting Michael Brown and Dorian Johnson from his car. Is that something that's pretty much standard is to sit in your car and investigate a potential robbery or stealing.

A No, it is my understanding is that he was trying to get out of his car.

MS. WHIRLEY: Okay.

A But again, this is, you know, second, third hand information. I have not asked for any of the evidence.

MS. WHIRLEY: You would be, you would think that he would get out of the car if he was going to do any investigation?

A Yes, ma'am.

: . To follow-up on that question there, when is it

appropriate, I guess, if you notice these two suspects and you put your car in reverse, would it be, I guess, okay to put your sirens on or not even your sirens, your flashing lights and turn your lights on to let, I guess, the community know something is going on here?

A Not necessarily. I don't think that would be either a bad or good thing, it is neutral.

: Even with traffic kind of coming both ways there?

A If it is going to be blocking traffic in the street, yeah, that would probably be appropriate, yes, sir.

: In regards to field training, I have a question continuing on the previous comment, when he pulled back in reverse, from Officer Wilson's perspective and others, he says himself he impeded their traffic, he backed his car up to prevent them from going anywhere. Is that also, is that protocol, is that something you would expect an officer to do, kind of use the vehicle to in that manner?

A To use the vehicle?

: When he backed up, put it in reverse as we now understand, he kind of thought

these suspects are involved in the robbery, he backs the car up to impede the way they were walking. It was in there way essentially.

A That would be appropriate, sure.

That would be appropriate?

A Yeah.

: This is . You had experience with police officer involved shootings before?

A Yes, ma'am.

: Is this the first time you had any experience with a police officer involved shooting in Ferguson?

A Uh, fatal shooting, yes.

You said you didn't realize how things were handled after he went back to the station by himself, he washed his hands and everything, and so I was just wondering if, and you said you didn't know that, but is that not the way you would, you would have expected that to be handled?

A Right, but in this particular case, I separated myself from all of this. I'm going to have to do my own investigation, internal affairs, when this is over.

I've got one more question. In one of your press conferences, , you state that evidence was found on Michael Brown from the robbery.

A Yeah, I saw that too. I'm not sure I understood the question. I didn't have any knowledge of that one way or another, particularly then.

When you were in the academy, what was your training on deadly force, when to use it and how much to use it if you are confronted with an adversary and had to fire your weapon?

A We're going back to the police academy, that's quite a ways essentially.

MS. ALIZADEH: Let me ask something else along the same lines. Does your office, or does your department train your officers on when they can use force to affect an arrest and when they can use deadly force?

A Yes, ma'am.

MS. ALIZADEH: Other than what they learn at the police academy, anything that your department instructs them about?

A Yes, ma'am. That's really continuing

education. The post-training they are required where it includes firearms training, deadly force training every year. A lot of it is dictated by both state and federal law and Supreme Court decisions that sometimes change circumstances and deadly force. Fleeing felon rule, for example.

Q (By Ms. Alizadeh) So let me ask, I know and maybe this hasn't been testified about, but officers have to get continuing education to maintain their certification every year; is that right?

A Yes, ma'am.

Q So every year officers have to have so many hours of continuing education, correct?

A Correct.

Q And that's put on by various organizations and entities, would that be fair to say?

A Yes, ma'am.

Q And so there might be other entities that would give additional instruction or training on use of force to affect an arrest and the use of deadly force, but my question is, does your department itself train or instruct the officer, or is there any kind of formalized training in your department, put on by your department about use of force?

A Yes, ma'am.

Q And is that done as like in the form of giving them some written materials, or is that done as in some kind of class setting?

A We have our own firearms range, it is an inside range. All of our firearms training is done in-house. So it is done annually.

Q Do you have a particular officer who then does the instruction on using force during an arrest to affect an arrest or the use of deadly force?

A That's through the continuing education. That would be through the police academy or North County Chiefs Association Training, or outside training, that's all part of continuing education.

Q And so the firearms training you're talking about, that's in relation to them being able to handle a weapon and how to shoot the weapon and store the weapon and so forth, correct?

A Yes, ma'am.

Q So does your department have any written literature that talks about use of force to affect an arrest and the use of deadly force?

A Yes, ma'am. We have general orders.

Q So your department has general orders?

A Yes, ma'am.

Q Is it a requirement of all of your officers to study those general orders and to know those general orders?

A Yes, ma'am.

Q And those general orders are written by who?

A Um, when I got there four and a half years ago, I was not satisfied with the policy manual so I set out to mirror, to get a complete general orders manual policies and procedures for an agency our size that mirrored CALEA.

Q What's CALEA?

A The Commission For Accreditation of Law Enforcement Agencies, it is international. It is very expensive to get that done. So I started with the State of Missouri certification process, which takes several years.

We developed a complete general orders manual, so as those general orders came out, the officers were required to and often times we would have supervisors or officers present training, train each other on those general orders.

Q Okay. So you have a specific general order regarding the use of force to effect an arrest and the use of deadly force during an arrest?

A Yes, ma'am.

Q Could we get a copy of that general orders as necessary?

A Yes.

Q If the grand jurors wanted it?

MS. WHIRLEY: Excuse me, I just want to ask for the orders. Are there any orders as to what the protocol would be after a shooting has occurred?

A Um, I'm trying to think. Yes, there are.

MS. WHIRLEY: Okay.

Q (By Ms. Alizadeh) And so you said that the general orders that once you took over you were kind of revamping them?

A Yes.

Q That's my word, revamping. In doing so, were you trying to make them compliant with the law.

A Yes.

Q And you also said that you were attempting to have them hear other possible state organizations' policy and so forth?

A Yes, to create the most professional organization that I could.

MS. ALIZADEH: Sheila, do you have any more question?

MS. WHIRLEY: No, okay.

: I heard both of you use the phrase use of weapon to affect an arrest and use of deadly force. Can you tell me what the difference between those two are?

MS. ALIZADEH: I had said use of force to affect an arrest and then use of a deadly weapon, use of deadly force.

: Okay. We've heard a lot about in the media, can you tell me the difference between those two?

A Between use of force?

MS. WHIRLEY: Use of force to affect an arrest and use of deadly force.

A Okay. Force actually in the force continuum which is taught in the academy starts with the presence of the uniform.

: Okay.

A Then it goes to hands on, maybe just compliance holds, and then it can go to fighting. Then you have less lethal option such as the taser, bean bang rounds, pepper mace, there's also stick batons, those are all not considered, for example, the baton and the taser are considered less lethal. There's a possibility that they could be, but it is considered less lethal weapon.

And then finally when you get to deadly force, that would be a firearm in the continuum.

: Tell me, are the officers taught where to shoot specifically if they have to get to that point?

A Yes, ma'am.

: And it is never in the lower extremity?

A No, it is not.

: It is always in the upper part of the body?

A Yes, ma'am.

So that's their training?

A Yes, ma'am.

In your policies or procedures, is there anything ever addressed or have you seen it addressed in your four years there when you are affecting or potentially trying to detain somebody or affect an arrest, is it ever mentioned trying to grab somebody out a car window to detain them?

A No, no.

: Have you ever heard that?

A No. Generally the force necessary to

affect the arrest is what the standard is.

Okay. But not specifically, whatever you do, wherever you are potentially to reach out a car window and detain somebody?

A No.

MS. ALIZADEH: Chief would you expect one of your officers to attempt to arrest a suspect simply because they were walking in the middle of the street?

A Arrest, no. I would expect that they would ask them to move to the sidewalk. And then if they refused, they can be issued a summons for that. Much like a traffic ticket.

. Race is not mentioned today in our conversation, but I would like to know what the officer thought or assume as a white officer and a black suspect?

A Can I ask you, my years of flying a helicopter, that ear is not --

Race has been a huge factor, what the officer assumed or thought of the suspect before he saw him. So my question to you is, one, do you feel like your department racially, the kind of racial diversity, does that reflect the

Ferguson community or not?

A I think that I've made an effort since I got there to increase racial diversity because of the make up of the community. It is very difficult with an agency my size.

I did, probably heard me say this, when I got there, there had never been an African-American supervisor on the police department. I promoted the first two in the history, I'm very proud of that. And I've tried hard to recruit minority candidates, but again, St. Louis County, there's St. Louis City, there's Missouri State Highway Patrol, there is federal agencies, you know, it is difficult to recruit and retain.

So knowing that and knowing that's an area for growth.

A Yes.

: Would you say with your department, is there any steps in place or any action taken to help educate on social diversity or how to interact with those maybe, whether it is beliefs or whatever that may be, anything you do department wide.

A It is a state requirement that all

officers receive that type of training as part of their recertification every three years. So there is annual racial profiling or diversity training which is required.

MS. WHIRLEY: And there's a lot of other training that's out there.

Recently we, of course, we doubled our efforts. Some of my commanders just attended a really good bias policing training put on by the Cops Program. I have met with the National Director from Cops and we talked a lot about some of the new and young and exciting training in adversity that's out there, but this training actually had citizens and police officers in the training. It was a real good environment.

: Okay.

MS. ALIZADEH: Anybody else have any questions regarding this witness and his knowledge about the incident, his press conferences in particular? Okay.

(End of the testimony of Chief)

MS. WHIRLEY: It is the afternoon of November 10th, approximately 3:12 p.m. I'm Sheila Whirley, present is Kathi Alizadeh, all 12 jurors and , the court reporter. We're going to play

some of the recorded statements that still need to be played. We have Grand Jury Exhibit Number 49, has the recorded statement of and Kathi is passing out the transcripts for that.

After we played that, we're going to play a statement by an interview with and that's Grand Jury Exhibit Number 84. You recall he's the one that was here last week and said he did not tell the truth when he called in to a show. So we will play that and you can hear more from him then.

As soon as all the transcripts are distributed we will start the statement. It doesn't look like it is very long. I'm not sure how long it is. It is ten minutes and 41 seconds.

MS. ALIZADEH: Just for the record, I'm going to excuse myself for a little bit here and so Sheila will remain in the room while this is being played.

(Playing of the interview of)

(End of the Grand Jury Hearing Volume XXI.)

State of Missouri
SS.

County of St. Louis

I, , a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the

proceedings.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.

COURT MEMO

State of Missouri v. Darren Wilson

CERTIFICATE OF OFFICER AND
STATEMENT OF DEPOSITION CHARGES

DEPOSITION OF Grand Jury Volume XXI

11/10/2014
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100 South Central, 2nd floor
Clayton, MO 63105

ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

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IN WITNESS WHEREOF, I have hereunto set
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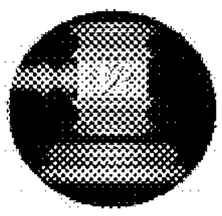
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Case: State of Missouri v. Darren Wilson

Grand Jury Volume XXII

Date: November 11, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

November 11, 2014

VOLUME XXII

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 11th day of November, 2014, before

APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

Assistant Prosecuting Attorneys for St. Louis County

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

(314) 615-2600

GRAND JURY HEARING VOLUME XXII

MS. ALIZADEH: Good morning. It is November 11th, Happy Veterans Day everybody, and it is 8:42 a.m.

So we had originally planned we were going to go to 2:30 today. As I've mentioned to you in the past because we are drawing kind of near the end, it is difficult sometimes for me to get enough people to fill your day. Today might be one of those days where we get done early. But originally I had scheduled an officer to come in at 8:30 this morning, he was going to talk to you about he actually measured Darren Wilson's car and so forth and photographed it.

He called me on the way to work this morning he said he's a crime scene detective and he is right now at a crime scene. And so he asked if I could push his testimony off three or four hours. I said, well, just text me when you're done and we'll see where we are.

I have photographs that he took of the vehicle and then I also have a sheet of paper that actually was, I think, emailed to me quite some time ago with the measurements on it that he had taken.

Um, and so what I would propose to do is

that I believe it might be helpful for you to have those things prior to going down and looking at the car, just for your own sake.

And so if anybody has an objection to that, you know, I would like to hear. My thought was I could give you those photographs and the measurements and then you all can go look at the car. And then when you come back, if you have questions for that officer, you know, we can get him in later this morning and you can ask questions about what he did.

You know the only thing he was going to testify to, yeah, I took these photographs and, yeah, I took these measurements. So, you know, unless you had additional questions for him, that's kind of, you know what I mean, it is not like really earth shattering.

So that's my proposal that if you are ready, I will get that stuff for you because I didn't bring it in here yet to make a copy of measurements for everybody.

Pass the photographs around so you can kind of look at them before you go out there and then you go out and examine the vehicle and you take the time that you need to do that.

Our investigator has made, he has a couple of steps that he made so he'll give you those for you to use if you want to do some of your own investigation. And then at 10:30, I have scheduled the field training officer for Darren Wilson when he was an officer at Jennings. You asked about that a little bit ago, I contacted him, he is coming in at 10:30.

I will probably do a very brief questioning of him and what his duties and responsibilities are, and then you can ask him questions that you think you need to ask.

And then I have, we have the physician's assistant coming in. She can't be here till 1:00. Again, we maybe have a gap there and so she will be here at 1:00 and she will be the last witness of the day.

Um, in the meantime, while you're gone examining the vehicle, Sheila and I talked about it and we thought we don't have actually the physical evidence over here at our office yet. That is a plan before this is all done you are going to be able to look at things that you want to look at.

There's, we're not going to have discs brought over, there is no point in looking at a disc

because there are lot of discs in evidence.

We do have the clothing of Michael Brown, which is, as you would imagine is bloody, it is dried, but it is still bloody. Those are packaged and in a box. We'll bring that box over for you, but if you all want to open the box and look at it, we're going to have to get you gloves and masks and stuff like that to do that.

But everything else that is in evidence like the gun, shell casings, the bullets, things that, you know, the sandals, the bracelets, you know, things that were seized, we're going to have those all in a room for you to examine as much as you want.

And then in the meantime, though, I thought Sheila and I had said it might be time, that you could spend working while you are gone examining the vehicle, I could put out a lot of these photographs that we've seen over time, crime scene photographs, and that way, you know, as you are sitting here, if we're waiting for the next witness, you all can kind of pass those around and look at them at your leisure or talk about them just so you're not sitting here twiddling your thumbs.

And then have you all thought any more,

because like I said, we are nearing the end. Are there any additional witnesses that you think you need to hear from or would like me to try to get in, other than as I mentioned, we're still, there is still about four or five lay people who, you know, have given some kind of statement in the past about having seen something, we are trying to get them in.

So we may or may not get all or none of them in before this is over, but is there anyone else that y'all would like to hear from or if you would like to recall a witness, we'll need to know so I can get that scheduled before, you know, we conclude everything.

So y'all can talk about that while you are looking at photographs and stuff too. If there is any additional people you like or again, if you want to hear all of the witnesses' testimony is on an audio disc. We have transcripts of that, so if you want to review somebody's testimony while you're here, we can certainly play that for you or just give you a transcript or whatever you need to review things, okay.

So with that being said, I guess we'll take a recess or brief break now while everybody gets their coats on and I'll get and and

we'll get you over there to look at the vehicle.

And just so you all understand for the record, this is not Darren Wilson's vehicle, this is another Tahoe that's the same make, year and model as Darren Wilson's because the door, as I explained, is still not on Darren Wilson's vehicle, but the measurements that I have, actually, don't get your coats on yet. I told you I was going to get you the pictures and the measurements.

So we'll take a recess now and I'll go get those and when you are ready to go over and look at the vehicle, we'll get and to take.

Okay.

(Recess)

MS. ALIZADEH: Good morning. This is Kathi Alizadeh, it is November 11th. Sheila Whirley is here, all 12 grand jurors are here and the court reporter is taking down what's being said.

So this morning y'all went over, went to look at the police vehicle. That is the same make, year and model as Darren Wilson's vehicle or the vehicle he was driving on August 9th.

You all had plenty of time to do that. Is there anybody that felt they didn't get to see what they wanted to see?

Also, prior to you all going out there, we had planned for our witness to testify who actually photographed and measured, took certain measurements on Darren Wilson's vehicle. He was going to testify this morning prior to you seeing that, but the crime scene detective was actually called to a crime scene this morning. So it is my understanding that you don't have any questions for him? So I will let him know he doesn't need to come in.

Right now we're waiting for our next witness. So in the meantime I passed out some photos that have already been, not introduced, but you all have seen them, but I passed them out so if you all wanted to look at them again.

I've also given out a another transcript that contains Darren Wilson's testimony and then there was also a request to hear again Grand Jury Exhibit 59, which is a disc that contains a video audio file that a witness, was actually talking on Glide, an app that allows you to talk in realtime. He inadvertently had recorded some of the gunshots. If you recall, he said there were two shots before he began the recording. So there was a request to play that again.

It is in a loop. So if we don't stop it,

it will do it all over again. So we'll just let it go and when you all have heard enough, you let us know and we'll just stop it.

(Playing of the audio recording.)

,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Could you state your name and spell it for the court reporter, please?

A . ,

Q Where are you employed, sir?

A I'm employed at the City of Jennings as a lieutenant in the corrections department and I'm also employed at Velda City as a police officer.

Q And so you a commissioned police officer?

A Yes, ma'am.

Q How long have you been a police officer?

A Since 1997.

Q So did you graduate from the St. Louis

County Police Academy or from a different police academy?

A I went to Eastern Missouri, which is in St. Charles County.

Q Okay. And did you graduate from there in 1997?

A Yes, ma'am, December of 1997.

Q And what was your first job out of the police academy.

A Worked at the City of Pine Lawn.

Q How long were you a Pine Lawn police officer?

A I worked there on two different occasions. First time I was there approximately a year.

Q After you were there for a year, were you a police officer in Pine Lawn?

A Yes, ma'am.

Q Where did you go after that?

A City of Normandy.

Q How long were you a police officer in Normandy?

A Yes, ma'am.

Q How long were you a police officer there?

A Approximately nine years.

Q Following then did you go back to Pine

Lawn at that point?
A Yes, ma'am.
Q How long were you with Pine Lawn again?
A For a year.
Q And then after that where did you go?
A The City of Jennings.
Q And how long did you work as a police officer for the City of Jennings?
A Approximately three years.
Q And were you a road officer during that time period?
A Yes, ma'am.
Q And when you were with the City of Jennings, were you ever a field training officer?
A Yes, ma'am.
Q Prior to the year being a field training officer in the City of Jennings, were you ever a field training officer at any of the other police departments where you were employed?
A Yes, ma'am.
Q All right. So when is it that you first became a field training officer?
A When I worked for the City of Normandy.
Q Is there any additional training or any tests or any other qualifications that you need to

have other than having graduated from the police academy in order to be a field training officer?

A There's no legal requirements, most departments have policies. There is no testing for it. The academy, the police academy, you go to the police academy, they have the field training course, usually a week long.

Q So there is a field training course with the police academy?

A Yes, ma'am.

Q Did you take that?

A Yes, ma'am.

Q All right. And so when you become a field training officer, what are your duties and responsibilities. You are still a police officer, correct?

A Yes, ma'am.

Q You still patrol and enforce the laws of your municipality or the community, correct?

A Yes, ma'am.

Q But what additional duties and responsibilities does a field training officer have?

A When you get, a new officer is hired in, you take them and you are responsible for them and instructions on doing the job as a police officer.

Also policies and procedures of your agency and to mentor them to become successful police officers.

Q All right. How long did you do that for the City of Normandy?

A I didn't do it continuously because I went to different positions for about two years though.

Q And then after leaving Normandy, you went back to Pine Lawn for about a year. Did you, were you a field training officer in Pine Lawn?

A No, ma'am.

Q And then after that, you went to Jennings and you said you were a field training officer in Jennings?

A Yes, ma'am.

Q And so when a new police officer is assigned to you, for you to be his FTO, how long is it that you are training that officer?

A There is different levels of the training. They are under your direct supervision, ride along with you, usually for six weeks and then depending on their performance, you decide whether they are going to be released to a vehicle on their own, but you still shadow them.

You are still training the officer, you are still responsible for them. They're on

probation for up to a year. You are basically responsible for that officer for that whole time.

Q And so typically an officer might ride along with you for up to in excess of six weeks?

A Yes, ma'am.

Q Now, these officers that are assigned to you, are they commissioned police officers?

A Yes, ma'am.

Q So they've already completed their training at a police academy, they've already been hired by the City of Jennings?

A Yes, ma'am.

Q How many officers have you mentored or been a field training officer for?

A I'm guess maybe about ten.

Q And during that time, have they all been brand new police officers fresh out of the police academy?

A No, ma'am.

Q So sometimes are your trainees already experienced police officers, but they may be new to your municipality?

A Yes, ma'am.

Q And so you said that they would ride along with you for a minimum of six weeks and then

depending on how you felt they were doing, they might then have their own cars?

A Yes, ma'am.

Q And then do you always work the same shift as your trainee?

A Yes, ma'am.

Q And so if they go on a call, do you go with them on a call?

A Yes, ma'am.

Q But in a separate car?

A Yes, ma'am.

Q So is it your job then to kind of observe, let them handle the call, but to be there to help them or observe how they are doing?

A Yes, ma'am.

Q And were you the field training officer for Darren Wilson when he was a Jennings Police Officer?

A Yes, ma'am.

Q And do you remember when he came to Jennings, was this his first job out of the police academy?

A Yes, ma'am.

Q So he was a brand new police officer?

A Yes, ma'am.

Q And so did he ride along with you for at least six weeks before he then got in a vehicle on his own?

A Yes, ma'am.

Q Okay. And just in general, how did you think he did as a trainee during that six weeks?

A He did very well. Out of the officers I have trained, he was one of those that was probably a better officer.

Q And then after the six weeks were completed, did he then begin to ride on his own?

A Yes, ma'am.

Q And did you continue to train him or be his mentor for that first year that he was a police officer in the City of Jennings?

A Yes, ma'am.

Q Okay. Now, when a trainee begins to ride on their own, are they allowed to make their own arrests?

A Yes, ma'am.

Q And so they can function in every way as a police officer in the City of Jennings, except for the fact that they have somebody that's watching over them, correct?

A Yes, ma'am.

Q Did you ever have any concerns about Officer Wilson having a bad temper?
A No, ma'am, no.
Q Did you ever have any concerns about Officer Wilson using excessive force during an arrest?
A No, ma'am.
Q How did you feel he worked with the community in the City of Jennings?
A Um, I thought he did very well. One point that really stands out that I remember distinctly while he was riding with me in the first six weeks, we were having a conversation and he brought up the topic he said, I feel comfortable with the police work side of it, but I have not had much experience in the African-American community, such as the one I'm working in now. I haven't been in that community. Can you help me with that?

I really thought that that was, admired him for doing that because it is hard for somebody to admit that. He took a vested interest in learning about the community he was working in.
Q So at the time that he was in the City of Jennings, would you say that the population of Jennings was, the majority of the population were

African-American?

A It is, as it is today I would say.

Q Did you ever witness him being what you consider inappropriate as far as anything that you thought was racist that he might do or say?

A No, ma'am.

Q Now, I explained to you that there was an interest of the grand jurors coming in and asking you some questions, so I'm done asking questions.

Sheila, do you have any questions?

MS. WHIRLEY: Yeah, I do have just a few.

So tell me how long did you work at Jennings before you became a field training officer?

A Within my first year they had me start training at the end of my first year.

MS. WHIRLEY: Okay. Your first year. Did you have to be on probation for a year.

A I was still on probation when I started training officers.

MS. WHIRLEY: You were on probation, but serving as a field training officer?

A Yes, ma'am.

MS. WHIRLEY: Okay. And you mention that you had been a field training officer at Normandy, which was before you went to Jennings?

A Yes, ma'am.

MS. WHIRLEY: How long did you work at Normandy before becoming a field training officer.

A Uh, probably about three years.

MS. WHIRLEY: Okay. And you were a field training officer at Normandy, I think you said, for two years.

A Yes, ma'am.

MS. WHIRLEY: What was your rank when you field training officer in Normandy?

A Just patrolman.

MS. WHIRLEY: What was your rank as a field straining officer in Jennings?

A Patrolman.

MS. WHIRLEY: What's your rank now?

A Patrolman.

MS. WHIRLEY: How long have you been a police officer?

A Since '97.

MS. WHIRLEY: '97. Okay.

A I worked last night.

MS. WHIRLEY: Okay. What did you teach or verify that Officer Wilson was proficient at? I mean, you were his field training officer for six weeks, how did you verify that he knew what he was

doing well enough to let him be on his own?

A In the City of Jennings as a field training officer it was computer based program, it has specific goals, also specific topics that were covered. You know, like constitutional law, your state law, your policies, your procedures and also went over the reports, like fraud report, so you had all of that. It was already lined out for you.

And there was three things that you had to do, you had to explain that to the officer that you were training.

The second one was that they had to be able to articulate it back to you and then the third was they I had to actually see them perform that duty.

MS. WHIRLEY: A lot of that is done in the police academy, is that not correct? You have constitutional law, criminal law, report writing, same thing you just mentioned?

A Correct.

Q Actually happened in the police academy?

A Correct.

Q So you're just kind of verifying that he knows how to do it once he hits the streets?

A Correct.

Q Now, do you write an assessment or some type of evaluation after the training of the officer?

A Again, that's all in that computer based program that the City of Jennings has every day. You did a daily observation report and you would go through the list and put the date in what you did that day. I don't remember weekly or monthly, but at the end you signed off on that officer. You signed off after six weeks stating that they are ready to go on to be shadowed, as we call it.

MS. WHIRLEY: You did sign off on Officer Wilson?

A Yes.

MS. WHIRLEY: He met every benchmark that he was supposed to meet?

A Yes, ma'am.

MS. WHIRLEY: Did you train more than one trainee at a time when you were training Officer Wilson or did you just train Officer Wilson.

A No, ma'am, we never train more than one officer.

MS. WHIRLEY: Just one at a time?

A Yes, ma'am.

MS. WHIRLEY: And what time period was it

that you were field training officer for Officer Wilson.

A He started with us in 2009, mid 2009.

MS. WHIRLEY: Okay. And were there ever any complaints from the residents about him?

A I never had any issues with him or none were brought to me.

MS. WHIRLEY: So it is possible there were, but you don't know?

A Correct.

MS. WHIRLEY: Okay. And you already answered no complaints about excessive use of force, correct?

A No, ma'am, none.

MS. WHIRLEY: What did you teach, is there anything taught about use of force while you're training officers?

A Yes, ma'am. Two things that are big issues with law enforcement. You go over right away with them pretty much one is use of force. The second is your emergency vehicle operations, those are just two things that officers civil liability affects people's lives. You get your policy out of your agency at the time, you go over it with them, make sure they have that. Make sure that they refer

to that any time.

Jennings, in our police department, we have mobile data computer terminals. You can always look back and look up the policy while you are on the call or anything of that nature to refer to.

So you go over that policy and then for myself, I would go through scenarios like after we have been on a call. I would play the what if game and have him articulate to me what he would have done in this situation. What if this occurred, how would you handle it and play the what if game.

MS. WHIRLEY: Okay. So there's written policy and then you kind of do hypotheticals to verify his knowledge of what he knows what he needs to do.

What did you or your department do to assist Officer Wilson with working with the African-American community? You said that he actually asked you, told you that he wanted to work with the community or he didn't know much about African-Americans and I guess wanted to be a better officer in the African-American community, what kind of assistance was he given?

A It wasn't he wasn't familiar with

African-Americans, my whole career I have worked in the North County area. I would go over my experiences. I was born and raised in the North County area. Went over, like I say, experiences I've encountered. What is important to the community.

MS. WHIRLEY: What is important to the community?

A One of the biggest issues I've seen with young law enforcement they don't take a vested interest in the community.

MS. ALIZADEH: I'm sorry, I couldn't hear the last one?

A They don't take a vested interest in the community they work in. We go to work every day, the residences are throughout, not usually in the community you work in. And you come there for 12 hours a day, you go home.

The residents, that's where they live, that's their home base and it is really important you take a vested interest in that. When you do, your job is a lot easier. I think it is better with the relations with the residents and on your calls. You understand things.

MS. WHIRLEY: Tell us what that looks like

taking a vested interest in the community, what does that look like? I mean, those are words, sounds good, but what does it look like?

A I'm not understanding your question.

MS. WHIRLEY: Like what kind of things are done to take a vested interest in the community.

A For myself, when I worked in Normandy.

MS. WHIRLEY: I want to know about Jennings?

A I'm just using a example.

MS. WHIRLEY: I understand, but this is kind of a specific question because I'm referring to when you mention Officer Wilson wanted to, I guess, be a better officer with the African-American community, right?

A Uh-huh.

MS. WHIRLEY: That was at Jennings?

A Uh-huh.

MS. WHIRLEY: Now Jennings is very heavily populated with African-American; is that right?

A Uh-huh.

MS. WHIRLEY: Before I go back to that question, do you know how many African-American officers were working at Jennings at that time in 2009 when you worked there as field training

officer?

A Two officers.

MS. WHIRLEY: Out of how many officers?

A I don't remember the total number, I think it is 40.

MS. WHIRLEY: I'm sorry?

A I think it was in 40.

MS. WHIRLEY: Out of 40 something officers, two were African-American?

A Correct.

MS. WHIRLEY: Were there any African-American field training officers?

A No, ma'am.

MS. WHIRLEY: Okay. So now going back to the question. What kind of things did you do to help Officer Wilson understand how to work better with the African-American community?

A I know you don't want to talk about Normandy, but I was a school resource officer there. In Jennings a lot of the residents that I had as a school resource officer in Normandy were now residents of Jennings. I would go to those communities on a call.

One example is female, she has mental health issues. And she's fine when she's on her

medications, but at times she's not. I would go and check on her once a week after I had been on a call there. How you doing. I was able to when she was not on her medication talk to her and get her back on medication. That's taking a vested interest in the community. It is not just going to the call and answering it and writing the report and leaving.

It is going back on a stolen car, did you get your car back, you know, did you get it fixed, things of that nature. That's taking a vested interest in the community.

MS. WHIRLEY: Okay.

A As a school resource officer I was able to show him that he was always teased, everybody knows you. When I was a school resource officer, I did the adopt a student. I would take them to the basketball games. I took them to those things when they came up. That's taking a vested interest in the community.

MS. WHIRLEY: This is during your period as field training officer at Jennings with Officer Wilson?

A Correct, and showing him that and those things.

MS. WHIRLEY: Did you ever see Officer

Wilson do some of those things with the African-American community?

A Yeah, I've seen him buy meals for the youth, I've seen him follow-up on calls, go and talk to the residents, you know. He wasn't encompassed in that police car, he was out and about in the community.

MS. WHIRLEY: Okay. Questions?

What type of behavioral screening is there in the academy or maybe you as a trainer, are there warning signs, certain personality types that you would fail them from becoming an officer just because of behavioral issues, you understand?

A We have, I know for the City of Jennings you have to go through a psych evaluation before you can even be hired on the department, and that's where that is determined.

As far as myself, of course, if you have anger issues. The person's mental state is not stable, they can't control their emotions or things of that nature. That's the concern. That's where you address those issues. That's in your evaluations and you try to see what the remedy would be for that. Sometimes there's not.

There's no remedy if you fail them at that point?

A Most definitely.

Have you ever failed someone?

A I've never had to.

: Have you ever extended a new officers time with you?

A No, ma'am.

Never had to do that?

A No, ma'am.

I know you talked about a lot of the goals they have on the computer and you asked the questions, but what do you look for personally. Do you look for anything personally on a personal level with a new officer that you might feel would be a concern?

A Biggest thing for me I want to see in an officer the ability to communicate. That's the biggest part of our job communication. I look for that. I want to see can they, the problem solving, how are they, do they look outside the box. Those are the things I look for in an officer.

You say you do take officers, these above and beyond type things. You

take them on follow-up calls even though your job as police officer is over, they see you going back and making sure that she's taking her meds or whatever.

A For me I believe that's still our job as a police officer, I don't think it is over.

Your call is over, I'm sorry, I didn't mean to talk over you. And then out of my, where did you grow up, in North County?

A Florissant area, in St. Louis County area.

That's it.

You know the reason why Officer Wilson left Jennings?

A Because County got the contract with police services, we were all laid off.

: You were all laid off?

A Every officer there was laid off. They disbanded the police department.

: Once Officer Wilson left your field training supervision, did you ever hear of Officer Wilson's behavior among the community in a harsh way or anything, his behavior?

A Witness it or hear of it?

Yes.

A I've never heard anything negative on that and I worked with him after he was, we still stayed

on the same shift.

Are you familiar with a term that was used, use of force triangle, or use of force continuum?

A Yes, sir.

Can you describe what that means?

A Basically it is teaching the officers a suspect can, basically what level of force do you need to use to control the situation. Not using the least amount, but to get it done effectively and get compliance.

To simplify it, you have your just compliance, officer present, they're compliant. That was in the triangle, you have that in the center. And you have threatening resistent, which will be physically attack. Nonthreatening, which would be noncompliance. I'm not moving, I'm staying here. Then you have deadly force, but all goes back to the center of that triangle to where compliance is.

You teach the officer, the suspect is who decides what happens. They're the one who makes the decision. Everything within the force continuum is reactive on our part. It is a delicate equation,

though, you have to decide what force do I need to use, but I don't want to use excessive force, but I don't want to use too little force to where someone gets hurt also.

Sometimes if you use too less of a force, then you have to use another avenue, say mace, you use that. You should have used something more forceful. You have to go to the time that's two encounters, two uses of force. Basically where you used your baton from the beginning that would have gotten the compliance.

This is something that is taught to the officers in all of their training, academy type of training?

A That's taught in the academy, there's also continued training. Any time that you go to the academy in the State of Missouri you have to do 48 hours of continuing training every three years. Any time you have any class using your firearm. Any defensive tactics or anything, that's brought back up, force continuum, it's also in your policy.

The force continuum?

A Yes, it is ongoing. It is an ongoing process.

Sure, sure. In your

experience would it be your opinion to say that in a very tight compressed time situation that that was something that an officer would instinctively fall back onto?

A Yes.

Thank you.

MS. ALIZADEH: I have a question for you. In either the police academy training or in what you might train as being a field training officer, if an officer is faced, finds himself in a situation and he makes a decision to use deadly force to react to something that he sees is a threat to himself or the community, is there any training in the police academy or in field training where you, the officer, is taught or instructed to, for example, if you are going to use your firearm to like shoot at their legs or shoot at an area of their body that might not be a fatal shot?

In other words --

A All training you are taught to in your firearms training to aim towards center mass to stop the threat. Your goal, again, is compliance, stop the threat. It is not to aim for the leg in high stress situation, you're not able to do that physically.

Also, in trying to stop the threat, the only way that the end of use firearm that you would stop the threat immediately without their willingness to comply would be something that strikes the central nervous system. A shot in the leg and they are still able to attack you and do harm to you. You can take a shot to the heart and still basically fight for up to 30 seconds easily, a minute.

Q (By Ms. Alizadeh) So it is a part of training if you are reacting to a threat that you deem you need to use a firearm to meet that threat, you aim for the center mass?

A Correct. When I say center mass, whatever is exposed, whatever you have. It is not always going to be just the chest, it is going to be whatever is exposed that you are aiming at.

We heard about two African-American police officers out of 40 something, can you tell me the number of African-Americans that apply?

A I don't have that.

: You don't know low or high?

A That's all done through human resources.

How about when you were in

the academy, what was the dynamics?

A We had no African-American officers in my academy class.

You said that you were trained to hit at center mass, okay. And I've heard a lot of people in the media talk about why didn't the police officer just let him run away and put an all points bulletin on him. Can you tell me about your training as far as not just your safety, but as far as the community, would that be against what you would be taught in the academy, just let a suspect go and get him later?

A No, ma'am. That's our job as a police officer to apprehend suspects. Whenever somebody has a crime committed or anything, they call us, we are the ones that have to respond while everybody else is trying to get away from the area. It is our duty to protect the community. That's what we swear to when we we're hired. And in doing so, you have to prevent a suspect from fleeing, then they can do further harm to the community.

No, you're not taught to shy away from that. We always respond, that's our job and we know that getting into the profession.

Can you walk us through the

protocol, kind of step by step protocol of making an arrest?

A From what part?

I guess the point at which an officer determines there is a cause for arrest and then what kind of protocol is going forth?

A Each agency has their own policy. I can give you a general rundown. As an officer you observe or probable cause to believe that a crime has been committed. And in doing so for speeding, you write them a ticket. Some agencies have policies that you have to arrest people for certain offenses, which even could be something to write a ticket for driving while suspended. If you observe the crime, you take your enforcement action. You write your report to articulate everything about that incident, the elements of the crime.

So as far as the arrest part, that's where that comes in when you apprehend the suspect.

From there most agencies you go to the station, complete the booking process. Usually in the municipalities the judges have a bond schedule, who has to post bond. Some are released on a summons after they are processed and you see if they have warrants, if they have to go to another

agency or anything of that nature.

MS. ALIZADEH: Officer , let me ask you a question. When an officer in your training, an officer, once the officer makes a determination that he is going to place the suspect under arrest, is he taught to use whatever means is necessary to affect that arrest given whatever circumstances he may be presented with.

A Yes, ma'am.

Q (By Ms. Alizadeh) So, for example, if you have a fleeing suspect.

A Yes, ma'am.

Q Is there any training based on either police academy training or training under a field officer, field training officer where you would give that suspect commands to stop and desist, get down, freeze, you know, phrases like that. And then if the suspect does not, would that, do you have any training on do you then pursue that suspect or do you just let them run away?

A You have to look at the totality of the circumstances of that particular incident.

You have to weigh the safety of the community, the safety of the officer. For example, in a vehicle, if their crime doesn't outweigh them

running and taking off in the vehicle and us pursuing them and we hit an innocent victim and they're killed, does their crime outweigh that? No, we don't. If the danger that they could cause the community is greater, then yes, you will pursue.

Q So someone who is speeding and won't pull over, you're not going to engage them in a high speed pursuit?

A No, ma'am.

Q But the suspect that you are attempting to pull over, if he has a warrant for murder in the first degree, a violent offense such as an assault or a sexual crime, you might under the circumstances make a determination to pursue that suspect?

A Yes, ma'am.

Q So it is all dependent upon the circumstances, correct?

A Correct.

Q And officers are trained and taught that they have to very quickly assess the circumstances and use their best discretion and their decision making on whether you pursue that suspect, allow that suspect to get away. And what means you need to take in order to affect an arrest if you determine to pursue the suspect?

A Yes, ma'am.
Q Did you ever have any question about Officer Wilson's ability to quickly assess a situation, like was he overly, you know, some people are over thinkers, they want to really sit back and decide, to have time to examine all possibilities and some people react too quickly without really giving thought to what they're doing. Were you ever concerned that Darren Wilson was either over thinking and might not react appropriately in time or that he was too quick to react without thinking things through?
A I thought his judgment, he always made sound judgments on his decisions. Of course, we always go back and look how could we have done it better the next time. At the time when he is handling things, he always had good judgment.
Q Did you ever observe him to be a bully?
A No.
Q Or abuse his authority?
A No, ma'am.
Q Disrespectful to people?
A No, ma'am.
MS. ALIZADEH: Anything else.
In that same vein where you

say you may have like, I guess, someone speeding away from you, you may say, hey, it is not worth it.

Let's give an example, let's say you were in a residential area and there's cars going in both directions, people taking their garbage out, be people walking their dogs and the suspect is running away. How would that kind of situation be handled if you know there is other people around and other people could get hurt?

A In a vehicle, the suspect is in a vehicle?

No, the suspect is walking?

A What am I stopping them for?

: Jaywalking.

MS. ALIZADEH: For jaywalking, is that what you said?

Yeah.

A And they take off on foot?

Yes.

A I would pursue them, if I'm taking enforcement action and take off on foot, yeah, I would. It also depends. I've been in foot pursuits where someone has jumped off a high concrete wall on the entrance ramp to a highway, I'm not going to put myself in danger to do that for a jaywalking.

At some point you'll say

well, I mean, I see people here, people on their balcony, people here, maybe I shouldn't shoot in this situation?

A I don't know where we got to the shooting part on this. You said simply jaywalking. You said fled on foot.

Fled on foot.

A What actions?

You had a confrontation and he runs away on foot?

A I can't play the what if thing game, it has to be the totality of the circumstances.

: I'm getting to the part where you have the suspect and you notice that their are traffic, cars, you know this is residential area and there is people on balconies, people could be walking their dog, and people taking their trash out. And this person is unarmed, would you decide maybe this is not the best way to pull my gun out or somebody else could get hurt?

: Does he know the person is unarmed?

A I can't answer your question not with what you're saying.

Maybe I can rephrase it a

little bit. Did you ever teach officer Darren Wilson when to or when not to open fire in a residential, to have a different response?

A When you decide to use deadly force, it is the threat that you perceive at the time. If it is in a residential area, at times you will have to fire in a residential area.

Okay.

A Again, these are vague, you are asking vague when you have a situation. You are asking me to make a determination on something that you can't do, you have the totality of the circumstances.

Okay.

A Just for jaywalking, would I pull a gun? No. If I stop somebody for jaywalking and it turns into a physical altercation, it is not a jaywalking any more. We've gotten beyond that.

The thing also you have to look at is, what I perceive that I stop somebody for may not be what that suspect perceives.

I know when an officer stopped somebody for a simple speeding, little did he know that guy had just committed an armed robbery at a 7-Eleven. So the officer think's he's just going to a speeding enforcement, but the suspect in his mind

thought he was being stopped for the robbery. So that decides the suspects, but for a simple jaywalking, no, you don't pull your weapon. But when the assault occurred, we are not talking about jaywalking, jaywalking is irrelevant at that point.

And we both, two people have used that speeding example. So if you try to pull somebody over who is speeding and they refuse to stop, would you take, what would happen, would you just let them go or would you try another means to have them pull over? Not necessarily going on a high speed chase, but would you like try to get in front of them or call somebody else to try to help you or would you just let them go?

A You use your radio, you put radio traffic out there. You never would put your vehicle in front of another vehicle for speeding.

Okay.

A Your decision to pursue that person for speeding, a lot of times to continue to drive in traffic, you back off, get a license plate or something to go and follow-up on. But you use your other agencies, if you have a helicopter above, things of that nature.

When you got to determine

whether or not you want to go on a high speed chase, that doesn't mean you are going to let that person get away with it?

A I will not go on a high speed chase just for speeding, I will tell you that.

Q (By Ms. Alizadeh) I have a question, Officer . We know a little bit about your walkie-talkie and the mobile radios in cars, and does your walkie-talkie have an alert button?

A Yes, ours do with our agency, yes.

Q And did your walkie-talkie have an alert button when you were training Officer Wilson?

A Yes.

Q And is there any instruction or what do you train your officers to do as far as when it is appropriate to use that alert button or not appropriate, or is it just the officer's discretion or what?

A The alert tone on your radio is used for when you need assistance. If you feel that you need officers to respond, you need aid, that is when you use your alert tone.

Q If, for example, you have already used your radio to call for assistance, you already verbally said I need an assist car, can you send

somebody right to my location or whatever, so let me ask you. Would you say that the alert tone is more for something that's a lot more serious than, hey, send another car to assist me on a stop?

A Alert tone is I need help, get here as fast as you can. That's when you would use the alert.

Q Maybe life or death or very serious situation?

A I'm under attack.

Q And maybe the officer can't get to his radio to call out on his mike?

A Correct.

Q Okay.

A With our radios, they don't get out everywhere, even the alert tone doesn't get out. The radio gives confirmation that it did get received actually, but it doesn't get out. There's some buildings that I was involved in a situation where I was being assaulted and my radio I couldn't get out and transmit and my alert tone would not get out of the building.

Q You head the alert button and dispatch does not get that alert tone?

A Correct. You know, if the radio frequency

that's what it is transmitted on as well.

For a scenario, just a scenario, if you had already called something in on your radio, and something escalates, you wouldn't necessarily, or you would maybe necessarily use your alert button because you already know, either you knew or that's a backup way to get here more quickly.

A You asked me to assist, things are under control. It gets to where it is volatile, I can't concentrate on transmitting on my radio, I can hit my button.

MS. ALIZADEH: But you have to have a free hand to hit the button?

A Correct.

You know what Officer Wilson's range for proficiency was?

A No, sir.

MS. ALIZADEH: Officers that are commissioned police officer have to qualify on a regular basis. In other words, they have to show that they're proficient in firearms?

A Correct.

MS. ALIZADEH: On a regular basis?

A Correct.

MS. ALIZADEH: How often do you have to qualify?

A We do it there every six months.

MS. ALIZADEH: So that means going to a range, you have to hit the target in a certain area a certain number of times in order to be able to continue to be an armed officer?

A Correct. It is pass or fail.

When you say feel, that you have to hit your alert button and you say you feel that you are under attack, what's your under attack, what's your definition of it?

A At the time I've used my alert I'm physically involved in an altercation with a suspect or if I'm having several approach me, anywhere where I feel a threat is, it is imminent for somebody to get there to help me.

Suspect is running way from you, and then right in front of you would you still consider that you are under attack.

A Somebody running away from me?

Yes, sir.

A No.

MS. WHIRLEY: Have you ever been involved in a shooting?

A Yes, ma'am.

MS. WHIRLEY: Tell us about it, I mean, was it a shooting where it was a suspect?

A Yes, ma'am.

MS. WHIRLEY: Go ahead.

A It happened a month after this whole ordeal, it just happened. My situation I was on a service call --

MS. ALIZADEH: Okay, wait a minute. If this is still under investigation, I'd rather you not.

MS. WHIRLEY: I would agree, it is something still pending; is that right?

MS. ALIZADEH: Let's not talk about it.

MS. WHIRLEY: I would agree with that. I was thinking something earlier.

A No.

MS. WHIRLEY: Okay.

If a suspect is fleeing from you, what the other juror said, and you didn't really feel under attack, that would not keep you from trying to get him still?

A Oh, not at all. I would still go after him.

: You are still going to

pursue him?

A Correct.

: And that can be in second's notice?

A It depends on the attack on myself. That's where you weigh the circumstances. The attack on myself is him getting away a danger to the community --

When he's running away you wouldn't necessarily feel like you're under attack, so the need for an alert button wouldn't be there at that time, maybe not?

A I won't say that, no, I'm not saying that.

You wouldn't feel under attack, running away?

A No.

So I can understand it, when a suspect after they've had an altercation with you, okay, for example, and they're running away, you would still consider them to be a threat possibly to the community because, or yourself, and I'm just thinking is it because maybe they could get a weapon somewhere, maybe they could take someone hostage, you don't know if they're armed or not or whatever, is that the mindset to this where you would still

pursue them, decide it being your job to pursue and capture a suspect that's done something, you know, broken the law or whatever?

A If somebody has assaulted me personally as a police officer, they can assault anyone out there. I mean, someone who assaults a police officer or someone in authority, what would prevent them from assaulting anyone else.

Suspects know we are trained, know we have weapons of that nature, you know. If they are willing to attack us knowing that we have that, what would prevent them from attacking a citizen who doesn't have that, those tools.

How have you been taught to utilize your vehicle's lights and siren appropriately? I guess, what would cause you to use those?

A In the State of Missouri state law, if you're going to violate any traffic laws or anything be consider an emergency room vehicle, your use of lights and audible signal, doesn't specify siren, audible signal must be used. In the State of Missouri at least one flashing red signal. You use those when you are responding to calls and on the severity of the call. Crime in progress or

something of that nature and if you want to stop a traffic violater then you use it, things of that nature.

You wouldn't use it, for instance, like you were stopping someone on foot?

A No.

MS. ALIZADEH: Like a pedestrian check.

A You might use it if, you know, you are stopping somebody on the side of the highway, walking on the side of the highway, I'm going to turn my warning lights for warning purposes, but no, it is not required to stop that person.

Thank you.

If you were blocking traffic kind of, you would turn just your lights on, but not the sirens to signify that this is a police matter or something?

A It depends on the roadway. I've pulled over onto the shoulder many times without turning any of my emergency equipment on. In residential areas, you park on the side of street just like cars do.

You are not parked, you are catty-corner, you are in the roadway of the driving of the other drivers.

A You would try to do that, yeah. You don't always have the opportunity.

: I don't think you want to leave it out there.

A You don't always have that opportunity. I'm trying to place a scenario more kind of what you are taught thing, trying to phrase this scenario, we are just trying to learn to understand also.

Again, you're doing a stop where you are in your vehicle and there's a pedestrian, a pedestrian stop. Would you or would you teach someone to use their vehicle as a device to impede someone's course of walk or the direction they are headed, would you take your vehicle and block it in their path to address that?

A At certain times you would.

: Do you think that could be seen as aggressive?

A By the suspect?

: Yes.

A Of course, yeah, people see a lot of things that we do as aggressive just the way we are trained. Yeah, you could use your vehicle to block the path of someone.

: Thank you.

You would need a reason to block that path so at that point if you've asked somebody to do something and they haven't done that, then you would need to use aggression, wouldn't you, if you are trying to get them to do what you told them to do they haven't done it.

A They're not in compliance.

: It is not really aggressive, it is taking the necessary steps to do what you asked them to do.

A Correct.

: Okay.

MS. ALIZADEH: Any other questions?

(End of the testimony of .)

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Just for introductory purposes, it is till

November 11th, it is about ten after 1:00. This is Kathi Alizadeh, Sheila Whirley is present, all 12 grand jurors are present, as is the court reporter taking down what's being said. And this afternoon we're starting the afternoon with a witness and ma'am, can you tell the court reporter your name and spell it for him?

A . First, , last name,

Q How are you employed?

A I am a physician assistant with the North County Emergency Physicians Group.

Q How long have you been a physician's assistant?

A Seven years.

Q Can you describe for the either grand jurors what is a physician's assistant, how is that different from maybe a nurse or a physician?

A So we are considered midlevel providers. So we have master's level degree training. We practice medicine under the supervision of a physician. So in our particular practice we would practice in the same manner that a physician would. Our charts are reviewed at the end of the day by the physician.

Q Okay. And, ma'am, I'm going to stand back here because the microphones that are in front of you they don't amplify your voice.
A Okay.
Q If you can make sure you keep your voice up so everybody back here can hear you.
A Okay.
Q So as a physician's assistant, can you examine patients and diagnose patients?
A Yes.
Q And are your findings reviewed later by a physician?
A Yes.
Q Would there be times when you might examine a patient and feel that you would need to call in a physician to assess a patient?
A Yes.
Q Okay. And so, for example, minor injuries or things that don't appear to be emergent in nature, that's something that you can handle without a physician being at your elbow?
A Correct.
Q Can you prescribe medication?
A Yes.
Q Can you prescribe controlled substances?

A No. In the State of Missouri midlevels do the have the option to obtain a controlled substance license as well as DEA number. Most of the midlevels in our facility do not because it is unnecessary. We don't prescribe a lot of narcotics and the little times we do, a physician is always on-site to cosign our prescription.

I'm sorry, can you prescribe medication?

A Yes.

: A license in Missouri?

A Yes.

: I can go to you and you can prescribe that?

A Yes.

Q (By Ms. Alizadeh) If you were to prescribe, for example, a nonnarcotic medication or something that's not a controlled substance like Naprosyn, is it Naprosyn or Naproxen?

A Naprosyn is a brand name and Naproxen is the generic.

Q If you were to prescribe that, that's not a control; is that correct?

A Yes.

Q I can get the equivalent if I take enough

Advil or Aleve?
A Correct.
Q To be prescription strength Naprosyn, correct?
A Yes.
Q You would, but actually, I can't go to the store and buy Naprosyn?
A Correct.
Q So if I get that, it has to be prescribed?
A Correct.
Q But being nonnarcotic, you can write the prescription for me?
A Yes.
Q And then if you were to have a DEA number and have obtained the ability to prescribe controlled substances, and that's an option for a midlevel care physician's assistant, correct?
A Yes.
Q Would you be able to prescribe controlled substances without a co-signature of an attending physician?
A Yes.
Q But you don't have that?
A Correct.
Q And so in this particular, well, let me

ask you this then. Can you describe for the grand jurors what your training and background is in order to be a physician's assistant?

A So I have my undergraduate degree, my bachelor of science in athletic training. And then I went on to graduate school where I got my master's of science in physician assistant studies. So in total with the 2 degrees it was about seven years of training.

Q And then when you, do you have to pass any board examinations in order to be a physician assistant?

A Yes. We have a national certified board that we have to certify initially and then every six years after that.

Q And so a physician's assistant would not be considered, obviously, you are not a medical doctor, correct?

A Correct.

Q But a physician's assistant has more education and training than, for example, a registered nurse or a practical nurse?

A Correct.

Q Okay. And so when you are working, and where do you work?

A Northwest Health Care Emergency Department.
Q Is that affiliated with any hospital?
A Christian Northeast.
Q Is it a part of Christian Northeast?
A Yes.
Q So if somebody has an emergent situation, they are going to go to Christian Northeast, would they come into your department?
A They may. It just depends on their location. The two emergency rooms are about 7 miles apart. It depends on where they're located.
Q On August 9th, where was your department located?
A At Northwest Health Care.
Q Okay. And is your department attached to a hospital?
A No.
Q So if a patient walked in and there was some acute injury that needed more, needed something more than what you are equipped to handle in that facility, you would then send them by ambulance or refer them to the hospital?
A Correct.
Q Were you working on August 9th of 2014?

A Yes.
Q And when you work, is it an urgent care or is it an emergency department?
A It is an emergency department.
Q When you work in the emergency department, do you work like 12 hour shifts?
A Yes, 12 hours.
Q Do you remember that day what was your hours of working?
A I was working noon to midnight.
Q So somewhere around 2:00 or so in the afternoon, you were fairly new on your shift that day?
A Yes.
Q And when you are in the emergency department, and there's an attending physician who you work under, correct?
A Yes.
Q Is he physically on the premises?
A Yes.
Q And so is it required that after you see a patient or examine a patient, is it required that the attending then come in and look at that patient with his own eyes?
A No, only if we request.

Q Okay. But is it required that at some point he needs to sign off on your charts on your evaluation?
A Yes.
Q And now in this case, you know that you're here because you were the attending, the nurse's, I'm sorry, physician's assistant who evaluated Darren Wilson on August 9th?
A Yes.
Q At the time that Darren Wilson came in, had you ever met him before that day?
A No.
Q Didn't know who he was?
A Right.
Q Were you aware that he was a police officer?
A Yes.
Q Was he in uniform when he came in?
A No.
Q Now, a patient initially comes into the emergency department, are you the first person they're going to see?
A No. They will see our triage nurse.
Q So that's the person who is going to say, oh, we need to see you right away or you can sit for

four hours like everybody has to before a doctor can see you?

A Correct.

Q Sorry, I couldn't resist that jab. We've all been there. So a nurse will do an initial assessment to do how quickly this patient needs to be seen?

A Right.

Q Does that nurse take some basic information from the patient?

A Yes.

Q And then after that nurse, for example, if that nurse determines that this is not a patient that needs to be seen like, you know, ASAP or stat, or whatever your language is, then who would the next person be that that patient will see?

A The patient would then likely see one of our techs who would bring the patient back to a room whenever it became available.

They would take vital signs for the patient and then the person after that would actually be the nurse that would be caring for the patient while they were in the exam room.

Q Okay. Now, I didn't know if you skipped a part because we were talking about a patient seeing

an admission's person.

A So at some point once they are brought back to the examine room, whether it be before they are seen by the nurse or after they're seen by me. A registration person will see the patient and then primarily for insurance purposes.

Q Okay. Now, I passed out what should.

(Grand Jury Exhibit Number 93 marked for identification.)

Q (By Ms. Alizadeh) I'm going to hand you what I've marked as Grand Jury Exhibit Number 93. Prior to coming in today, when I contacted you, did you pull up the medical records for Darren Wilson for that day and review them?

A No, I reviewed this morning with my attorney.

Q You reviewed them though prior to coming here?

A Yes.

Q And so do those look like the records that you reviewed?

A Yes.

Q And I've given a copy of those records to the grand jurors. So we can go page by page just really quickly. So the first page that we're

looking at this, this is an admission form?
A Correct, this is something that registration would fill out.
Q So this has to do with insurance and just basic pedigree information, address and so forth?
A Correct.
Q So then the next page is an abstract summary. Now you and I talked about this and what is, what we call coders. There are people in the hospital that have to at some point put codes into these records so that the insurance gets billed for the right procedure for what was done, correct?
A Correct.
Q So these codes on here for the diagnosis, reason for and then there's primary diagnosis and then secondary diagnosis, it is difficult to see because they are in those black bars. Those are all things that a coder selects based upon what they read in the records was the diagnosis, correct?
A Correct.
Q And they have to select from a finite number of options to put a code in, correct?
A Yes.
Q All right. So this is mainly for insurance reasons?

A Yes.

Q Okay. And then the next page, deals with at the top it says, chief complaint, alleged assault and then physicians caring for patient, it has your name?

A Yes.

Q So is this the information that the triage nurse would have taken or the triage person as you said?

A Yes.

Q Okay. And so down in the paragraph it says triage, it says chief complaint quote, and then in quotes it says, he needs x-rays he was hit in the face a couple of times.

You're not the person who entered that into that paragraph, correct?

A No, that was our triage nurse who sits out front in our waiting room.

Q Do you know if the triage nurse got that information from the patient or could it have been from somebody with the patient?

A I believe it was somebody with the patient, specifically his supervisor.

Q Okay. The patient's supervisor, the police officer's supervisor?

A Yes.

Q And then also down it says here that on the next line, the patient presented with St. Louis County Police to the emergency room for evaluation.

So that means he was with police officers, correct?

A Correct.

Q And then it says from home?

A Right. So, yeah, usually the nurse, the triage nurse will ask, you know, did they come from, say if they were in a car accident, did they come straight from the car accident or did they go home first and then come from home.

At some point he must have said that he came from home. Now whether or not he did or not, that's not something I discussed with him.

Q Okay. So that's a note that's put in by the triage nurse?

A Yes.

Q And whether or not Darren Wilson said that or one of the people with him told her that, or whether or not that's even accurate, we don't know?

A Correct.

Q And then also in the next paragraph where it says neuro, alert and oriented three times, skin

warm and dry.

So what is the triage nurse assessing when she's looking at someone's skin?

A Just that he's not, that he's not pale or sweating excessively or blue or red or having any obvious issues with circulation or difficulty breathing, which may change their skin color.

Q This is part of a neurologic examine. Not like you are noticing that he has redness to his forehead?

A Correct. Just very initial exam. Is the patient upright, is he aware what's going on, is he able to speak.

Q And, again, downward in the medical screening continued, the note is that the skin is pink, warm and dry. Is that just in general the skin on his body appears to be normal?

A Just in general, yes.

Q And then patient denies physical or emotional abuse. Is the patient asked if he was abused?

A This is a question that every patient gets asked when they come into our department and it is referring to domestic abuse at home.

Q Now, was there suspected domestic abuse

involving this patient?

A No.

Q So every patient, and I think you said even if they came in for a sore throat or cold is asked that question?

A Correct.

Q And then on the next page, also down where it says abuse screening, it says patient states that he or she is not a victim of violence. Is that domestic violence specifically?

A Yes, domestic.

Q He's not asked if somebody hurt you, he's asked if anybody had any domestic assault or domestic violence?

A Correct, in the home.

Q In the home?

A Uh-huh.

Q And then on the following page it says here on the flow sheet, you prescribe Naprosyn 500 milligrams for him; is that right?

A Yes, and that was the dose that was given to him while he was in the department.

Q And it says here was his treating nurse?

A Yes.

Q So that would be the person, as you said, that once they got in the exam room might then continue an assessment and take vital signs and so forth?
A Yes.
Q In reading his charts and what did, his vital signs all appeared to be normal?
A Correct.
Q And on the following page then there's, I don't know, I'm going to call it a pain chart or pain assessment?
A Pain scale.
Q Pain scale, okay. And it indicates here, this is that took this information, correct?
A Correct.
Q And that's that would be that's his code?
A His log in.
Q And so for pain index, I imagine you are giving the patient some options. Rate your pain between one and ten?
A Correct.
Q Ten being excruciating, one being?
A Very little.
Q Very low?

A Yeah.

Q And so the patient on those particular times graded his pain consistently on those four occasions a six out of ten?

A Correct.

Q And then where it says description, it says aching. Is that something the patient provided or would the nurse put that in there?

A The nurse would have given him some options for description, such as sharp, or stabbing or aching or throbbing. And then the patient would pick the one that most fits it.

Q So Darren Wilson on that day said my pain is aching and it is six out of ten?

A Correct.

Q Okay. And then on the next page under nursing notes, and these again are 's notes; is that correct?

A Correct.

Q Says, patient to ED with complaint of bilateral jaw pain. Patient states he's a police officer and was struck twice in the face by a suspect. Patient denies LOC and NV.

That's an entry made by the nurse, correct?

A Yes.
Q Is that information he would have gotten from the patient?
A Yes.
Q So this is information that he read on this chart that might have been put there by the triage nurse?
A This is what the patient told him directly.
Q Okay. And so the patient said he was struck in the face twice by a suspect?
A Yes.
Q And then denies LOC?
A Lost of consciousness.
Q What is NV?
A Nausea or vomiting.
Q It says that he had no difficulty moving his jaw and no obvious deformities were noted?
A Correct.
Q And then where it says history of present illness, is that still taking those notes?
A That is me.
Q So from that point this information is what information you gather and put in the charts?
A Yes.

Q And when it says HPI tech, what does HPI mean?
A History of present illness.
Q Patient presents with CO bilateral jaw pain.
A Complaint of bilateral jaw pain.
Q Okay. So now when you are taking a history of present illness, what is the purpose to do that?
A This is basically just what the patient tells us directly. It is not what I see or what I find on examine, it is just the incident that occurred, the information that was provided directly from the patient, and then what their specific complaint is as far as the injury.
Q All right. So the patient may say, I fell down the stairs and hit my head on the concrete floor?
A Yes.
Q And that's what goes in there then?
A Yes.
Q Are you going to ask the patient well, did someone trip you or push you down the stairs, or were you drinking alcohol that caused you to fall down the stairs or you just trying to find out how

the incident occurred?

A We might ask what, you know, as far as falling down the stairs, what made them fall and they can say oh, I tripped, I slipped, I passed out and then I fell down the stairs.

Q Okay. And in this case, someone who says I have bilateral joint pain after being punched in the face while attempting to detain a suspect, he was also scratched in the neck. Again, that's stuff that Darren Wilson told you?

A Correct.

Q Did you then inquire about what were you going to try to arrest the suspect for, what happened immediately prior to being punched in the face?

A No, no, that's not stuff we would go into.

Q Okay. And let me ask you to clarify. You know that this examine you did was in relation to Officer Wilson and his involvement that culminated in the shooting of Mike Brown, right?

A I do now, we were unaware of the event at the time.

Q Okay. So when you were treating Darren Wilson, you didn't know anything about Mike Brown having been shot?

A Correct.

Q Would you have treated him any differently or is there something that now you look back I wish I would have done had I known?

A No, basically because his complaint was jaw pain, our focus is, you know, how did the jaw pain occur. He got punched. What, who punched him, you know, and then what his complaint is as far as pain or any complications from that.

But from a medical standpoint it is not going to change how we treat him or what we do based on what led up to that event.

Q Okay. And ultimately, you know, after you having reviewed this record, you diagnosed him with contusion of the mandibular joint area?

A Yes.

Q And so your mandible is your jaw, correct?

A Correct.

Q So what is a contusion?

A Contusion is basically a bruise, inflammation, irritation to the soft tissue.

Q And we talked about that a little bit ago about bruising and we all have had bruises, we've had kids that had bruises, do people bruise differently?

A Yes.
Q And do different areas of the body bruise differently?
A Yes.
Q We've also talked about that bruises can go through like a continuum, almost like a color spectrum from deep purposely to blue to greenish color to a yellow issue color, correct?
A Yes.
Q Do all bruises go through that continuum?
A No, it really depends on the area. It also depends on the severity of the initial injury. So sometimes it can start as just a mild redness and then it resolves or it can go through the color stages of red to purple, blue and then fading to green and yellow.
Q Did you notice any swelling to Darren Wilson face?
A Nothing significant, no.
Q Okay. And, obviously, probably we've all seen pictures and you've probably seen in real life when someone, like the entire side of their face is swollen, that would be something very evident and apparent, correct?
A Correct.

Q Are there times when people may have some slight swelling, but you can't tell if that might, they have a chubby face or that's just the way their face looks normally, for example?

A Correct. Several times patients will come in complaining of swelling and it is just not evident to us because we don't see what their normal tissue looks like on a normal day. So if he complained of any swelling, it wasn't noticeable enough that I could tell.

Q So you didn't notice any obvious swelling?

A Correct.

Q But did you notice a contusion?

A Some redness, yes.

Q And what causes a contusion or what can cause a contusion?

A Any type of trauma really to the soft tissue.

Q Okay. So can a punch to your face cause a contusion on your face?

A Yes.

Q You also put in your records that he complains of having been scratched on the back of his neck?

A Yes.

Q And did you examine, look at the back of his neck?

A Yes.

Q Did you observe anything that looked consistent with having been scratched?

A Yes, there were several linear marks, slight puffiness that were consistent with what he described as fingernail scratch marks.

Q Now, did you, yourself, photograph any of his injuries?

A I did not photograph anything, no.

Q Okay. And were you present when his injuries were photographed?

A I was not present in the examine room, no.

Q Okay. When you examine Darren Wilson, were there any other people besides yourself and the patient present?

A Two St. Louis County detectives were present.

Q Did they question him in your presence?

A No.

Q Were they present when you asked him what happened, what happened to your face or anything like that?

A Yes. They were present the entire time

that I was in the room.

Q I'm going to hand you some photographs that are contained in a packet marked as Grand Jury Exhibit Number 10, and these are images Number 2 through 19. And just looking at Image Number 2, for example, does that look like the patient you examined that day?

A Yes.

Q Is that how he appeared when you saw him?

A Yes.

Q Did you seize any specimens from him by any chance or take anything from him?

A He submitted a urine drug screen, not to us, but to an outside company called Guardian that we contact for work related injuries.

Q And you learned that this happened while he was on duty, correct?

A Yeah.

Q And so that's considered a work related injury?

A Yes.

Q And then is it required that he submit a urine sample for drug testing?

A It is based on each company's policy and for his department that was required.

Q Okay. And so did you or another nurse take his urine sample when he was there?

A No. A representative from the company Guardian comes into the department and handles that full aspect of it.

Q And the testing of the urine sample is done by that company?

A Yes.

Q And then I'm just going to show you some pictures that have been taken while he was at the hospital, do you note any of the redness in any of these pictures in particular that help to demonstrate what you saw that day?

A Yeah, his primary complaint was to the right side of the jaw, and so you can see a little bit of redness there and a little bit of redness there. We didn't notice any issues to the left side of the jaw.

Q Did he complain of pain to the left side of the jaw?

A Very, very mild pain to the left side of the jaw.

Q Okay. You pointed at an image, which is Image Number 9, showing the redness that you saw on that day?

A Yes.
Q And then regarding the back of his neck, and again, these were photos taken by police not by you?
A Correct.
Q Are there any of these images where they depict the injuries that you describe or that are shown that we might use?
A A little bit of redness here at the hairline. It is a little difficult to see in the photograph the actual kind of linear marks that I saw during the examine, but you can kind of see some lines developing with the redness.
Q Okay. And so you were pointing out Image Number 12 as showing the redness of the hairline?
A Correct.
Q And was it in this area that you saw the linear marks?
A Yes.
Q Now, just for sake of clarity, this mark that goes like horizontal across at his hairline, that's not a scratch, is it?
A That's just normal skin fold.
Q A skin fold?
A Yes.

Q At my age we call them wrinkles?
A Right.
Q Okay. So the redness to the back of the neck you were describing is this area here, along the hairline, right?
A Yes.
Q Did you notice any swelling in that area?
A No.
Q Did he talk about any pain in that area?
A Nothing of significance, no.
Q Now, and I talked to you just briefly before this and I told you that Officer Wilson was photographed, similar photographs were taken of him, I believe, on the 13th, which would have been actually on the 12th. And I asked you, we talked about bruising and how bruises appear and how long it takes bruises to appear.

In these photographs do you see any apparent bruising that might demonstrate that is consistent with your diagnosis of a contusion?
A It appears the redness that he had initially has resolved. I don't see any of the purple discoloration that sometimes follows contusions.
Q So the fact that you do not see any of the

redness three days, I'm not sure what time those pictures were taken, but let's just say roughly three days after the injury resulted or occurred, does that change your opinion as to the diagnosis?

A No, because it will not always progress to that point that it turns into that distinctive purple bruising that we are used to seeing.

Q You still, in your opinion, is the same that you've diagnosed Darren Wilson with a contusion of his mandible?

A Yes.

Q And he was x-rayed and there is no fracture or any other injuries to his jaw or face; is that right?

A Right, yes.

MS. ALIZADEH: Sheila, do you have anything?

MS. WHIRLEY: Um, yes. Progressing from redness to the face to bruising, which you looked at the photos of him a couple of days later and there was no bruising according to the photos, and you only saw redness on the face, correct, no bruising?

A Correct.

MS. WHIRLEY: Progressing from the redness of the face to a bruise, would that depend on the

impact, how hard a person is struck?

A Yes. You know, generally the harder the impact, the more blood vessel involvement. So a bruise is caused by broken blood vessel. So the harder the punch, the harder the impact, the more likely you are to have more blood vessels being broken. And that's when those blood vessels start to bleed, that's what creates that purple discoloration as that blood kind of seeps out underneath the layer.

MS. WHIRLEY: If the face is red, but never turns purple, does that mean that the impact was not hard enough to break any blood vessels?

A It was likely that the impact just involved the very superficial capillary layers, as opposed to deeper tissue which would result in the deeper purple bruising.

MS. WHIRLEY: Okay. I don't think I heard this asked, he did not require any hospitalization, did he?

A No.

MS. WHIRLEY: So he was treated and released?

A Yes.

MS. WHIRLEY: Did he have any injuries to

his eyes at all?

A No, he did not complain of any eye pain or nose pain or tooth pain or any head pain.

MS. WHIRLEY: Head pain you said.

A No head pain. There was no evidence of any injury to these areas.

MS. WHIRLEY: So in your opinion there are no permanent injuries?

A Correct.

MS. WHIRLEY: And you said there were no fractures. Would he have needed to take time off because of the injury that he was treated for?

A No.

MS. WHIRLEY: No. And as far as the document saying that he was injured by being stricken or however it is phrased, that is his self-reporting, correct?

A Correct.

MS. WHIRLEY: You could see redness to the face and nobody was even struck; is that correct?

A Could you see redness of the face?

MS. WHIRLEY: Yes.

A If he had redness to the face, there was obviously some sort of trauma to the soft tissue. But we gather that it was from a punch to the face

based on his account.

MS. WHIRLEY: Based on what he told you, self-reporting?

A Yes.

MS. WHIRLEY: I could get redness to the face from several different ways or mechanism?

A Yes. If you rub your face too hard with your hand, you could get redness to it.

MS. WHIRLEY: And not have a broken blood vessels to give me a bruise?

A Yes, right.

MS. WHIRLEY: That's all I have, thank you.

MS. ALIZADEH: Just real quickly. The injury that you saw, is it consistent with what he reported?

A Yes.

MS. ALIZADEH: Any questions?

Where is your place located because I'm trying to determine how far, I'm concerned about that home answer on the application.

A Okay.

: Where is your place located?

A So we are in Florissant. We are right off of Graham Road. Hanley and 270.

: Hanley and 270 on Graham Road.

A On Graham Road, yes.

So you are right across the street from the physician building?

A Yes, yeah.

You said the area and the severity of the injury can be affected by how the bruise continues to manifest itself, correct?

A Yes, a worsening, a deeper bruise typically indicates a more severe injury.

: And Naprosyn is an anti-inflammatory drug.

A Yes.

: So with the application of ice, what you told him to do, apply ice.

A Yes.

And consumption of an anti-inflammatory also have an affect on how the bruising would manifest itself?

A Yes. So the sooner ice is applied, the sooner anti-inflammatory medicines are taken, the more likely that a bruise or injury would resolve sooner than if no treatment were taken.

: Was he given any

anti-inflammatory drug while he was there?

A Yes, he was given a single dose of Naprosyn.

: And a single dose is 500 milligrams?

A Yes.

And that's stronger than anything you can buy, you can't buy Naprosyn over the counter?

A No.

That's very close to Ibuprofen?

A It is. It was Aleve, so basically prescription strength Aleve.

Okay. You mention that you saw no swelling, but prescribed this Naprosyn; is that correct?

A Yes, there was no swelling that was seen.

Just the redness.

A Just the redness. Naprosyn is also a pain reliever. So even without any evidence with his complaint of pain, we would have prescribed something similar.

: Could you explain a little bit to us how that pain portion of that. So when

you ask a patient for pain, kind of how that relates to what they feel versus what you as a professional can evaluate?

A The pain scale, is that what you mean?

Yes.

A That is very subjective. So that the way that it is worded generally is, rate your pain on a scale of one to ten, ten being the worse pain that you've ever experienced or could ever imagine experiencing. So for someone who has never experienced much pain in their life may have what others would call relatively mild pain, but still may be the worst pain that they personally ever experienced. They may rate it on a higher scale.

So it very much differs from person to person.

A Yes.

Nothing that a doctor or nurse no matter their education or training could disagree with or agree with?

A It is not, there's no set guidelines as far as a three is this degree and a seven is this degree, it is very subjective.

Thank you.

What are some of the side

effects of the Naprosyn, is there any warning on there do not operate machinery while taking this drug?

A No, it is generally well tolerated. If anyone is going to experience anything it may be a little bit of stomach upset, but because it is nonnarcotic, there should not be any interference with operating machinery or driving a car or anything like that.

: I'm looking on page eight of 11.

MS. ALIZADEH: Can you speak up a little bit?

I'm sorry, on page eight of 11, where it says transcriptionist, was it transcribed date and time August the 9th, 2014 at 10:18 p.m.

A Uh-huh.

: Are you saying this radiologist was reading the report?

A The radiologist reads the report, and then a transcriptionist, someone that -- so a radiologist will read a report and dictate it into a phone. And then someone outside of the building, outside of the practice will then type it out at a later time.

He didn't read the report until like --

A It was read on August 9th at 4:00.

But the transcriber didn't do it until 10:00 p.m. that night, 10:18?

A Correct.

: I was going to ask who was I thought that was you?

A That is me, yes.

So you have two last names?

A That is my maiden name.

Okay. So you order it up under your maiden name, then your order the medicine in your --

A Yeah, my last name is , but our computers have not been 100 percent updated with my married last name.

: Okay. I have a question. I thought that number seven question about the swelling, how long does it take someone to swell?

A Really varies from person to person. It really depends on the injury and location of the injury. Someone may develop swelling within minutes, some may develop swelling within 24 hours. It really depends on each person and the location.

: When you were talking with Darren Wilson, getting assessment from him, was he 100 percent himself or was he relying on the supervisor or others around to assist with his responses?

A The detectives that were present with him in the room did not speak the entire time that I was in there.

MS. WHIRLEY: So you have an independent recollection of your interaction with this officer; is that correct?

A Yes.

MS. WHIRLEY: What was his demeanor?

A Um, calm, cooperative, nothing seemed out of the ordinary to me. Possibly at most slightly apprehensive initially. I feel that when I walked into the room I was probably interrupting a discussion between him and the detectives. Once I started my exam, he was calm and didn't appear overly anxious or anything.

MS. WHIRLEY: He didn't say anything to you what happened other than he was struck in the face?

A His words were he was punched in the face by a suspect while attempting to detain the suspect.

MS. WHIRLEY: Did he tell you anything else?

A No.

MS. WHIRLEY: Okay.

Could an arm keep rubbing on a face, could that have made the face red?

A Yes.

: Injuries like this, is that something typically you would see on a day-to-day just because the incident happened, we have to make sure we get this documented?

A This is something that we would typically see day-to-day. We see a lot of assault victims, not necessarily always regarding a police officer at work, but just anyone in general. But we do see a lot of our local police department coming in with various injuries that they sustain on-the-job. This was by no means out of the ordinary what we do see day-to-day.

MS. WHIRLEY: Do you see regular people, lay people come in with a red face looking for treatment?

A Yes.

MS. ALIZADEH: Ma'am, would you also, someone who maybe reports being struck twice in the

face who has that type of injury that you observed. You might, you actually in this case decided to do x-rays to see if he had a fracture, correct?

A Yes.

MS. ALIZADEH: If he had a fracture, there would be possibly other treatment involved?

A Yes.

MS. ALIZADEH: So I guess what I'm trying to get at is obviously there's potential that this, somebody wanted to document this because obviously work related injuries, people want documented, and in the event that this was, you know, again investigated in a criminal nature or to maybe ascertain whether or not there was a more severe injury than simply my jaw hurts and it's red?

A Right.

MS. ALIZADEH: Okay.

I have a question. Considering that you did give Naprosyn, did you feel that there was a need to prescribe an anti-inflammatory instead of just a pain killer, did you feel that the injuries looked like, you know, an anti-inflammatory was needed?

A Yeah, given the injury. Usually, whether it be a contusion or a sprain or a strain, we do try

to do anti-inflammatory medicines versus like a narcotic pain reliever. Simply because it does have that anti-inflammatory effect, which generally helps with the pain and helps resolve the injury a little bit more.

I kind of secondarily prescribe Naprosyn versus a narcotic because I knew that he was going to be submitting a urine drug screen and I did not want something that I gave him to interfere with that.

Did you feel his injuries were consistent with the need to have an anti-inflammatory drug?

A Yes.

: At any time did Darren Wilson mention he had already seen an EMT?

A No, he did not.

MS. ALIZADEH: Anyone else?

(End of the testimony of .)

MS. ALIZADEH: So Kathi Alizadeh, it is about two minutes after 2:00. We just finished with the last witness of the day and you were scheduled to be here till 2:30. I think it is a good idea if you want to cut out now.

We talked off the record earlier today

about scheduling and things that you might need because as we all have said, we're getting close to the end. Did you have a chance to talk during your lunch hour about whether or not you thought you might want some additional evidence or witnesses that you haven't heard yet or seen yet or whether or not you want to recall any witnesses that you've already heard from that you now have questions for? Did you all talk about that at all?

: We haven't talked about, I don't think there is anybody at this point. It is possible when we start getting into the deliberations that, you know, if there is a controversy, we may want to recall somebody. I would not expect that to be the case.

MS. ALIZADEH: Here is our plan. Y'all are here Thursday till 5:00. As I mentioned previously, Dr. is going to be here and I think he's going to be here at 8:30. He will be the first witness of the day. We still are trying to track down up to five lay people that may or may not show up on Thursday.

And then, of course, we talked about Detective being kind of the last witness who would wrap things up and kind of summarize and

answer any leftover questions that you might have about the investigation.

I didn't realize when we started up that we didn't have all 12 grand jurors, we weren't hearing evidence, we were just talking about the end of the day has come and that if any additional witness or evidence I need you to get that to me as soon as possible.

Thursday at 8:30 we are going to start with Dr. . We may have some lay witnesses if I can find them, then may be testifying if we have the time, he's going to be the last witness of the grand jury.

And then you may or may not if Thursday is our last day, you may or may not begin your deliberations then. And as I said before, you know, the end of the day is at 5:00. You want to keep going until 6:00, 7:00, 8:00, 9:00, it doesn't matter to us. We're here, be here as long as you need.

If you do not begin deliberations that day or if you don't complete your deliberations that day, the next day you have scheduled is the following Friday, a week, a little more than a week after that. So that would be right now the plan is

that if we don't finish the evidence, we will see you on that following Friday.

If we do finish the evidence, it will begin deliberations and continue or you'll come back the following Friday. Is that a plan that everybody is okay with? Okay.

In the meantime, I know you have asked for someone to help you in your deliberations. Obviously, things to write with and things to put on the wall. Did they show you the thing we are going to put on the wall?

It is a like this, it is big enough to push pins into, but it is bigger than that. I think we might try to put a couple of these two things right here. And then if you need more, we'll get more.

We're going to have a flip chart, we have the easel which is excellent and then we'll give you, you know, Posted Notes, push pins, everything else. If you want different color highlighters because you are doing that, we'll get you whatever you need.

And with that, any questions at the end of the day as we are coming to a close?

Also the charges, what do

you call them?

MS. ALIZADEH: We're going to do that tomorrow, because we didn't have time last night and today we started up with this. Either the rest of today or by tomorrow we will give to you for indictments for you to consider and then we'll give you the law on self-defense because we've already given you the excessive force or the use of force statute.

Anything else?

MS. WHIRLEY: We still talking about the probable cause and that standard.

MS. ALIZADEH: We had a conversation with that even last night and we still have to kind of work that out, we're not really sure.

: Probable cause, you are still looking at?

MS. ALIZADEH: We both agree that you can't return an indictment unless you believe there is probable cause to believe that a crime occurred and that the defendant or suspect or the person you're considering committed it. But the question is, if you're going to consider self-defense and use of lawful use of force to affect an arrest are affirmative defenses and they're what we call

complete defenses.

And so if you believe that the person acted in lawful self-defense or if you believe the person was justified in the use of force as a law enforcement officer, then it is a complete defense, there would be no indictment on any charge.

The question we don't really know is that beyond a reasonable doubt, what is the standard by which you have to consider that.

MS. WHIRLEY: Those two issues.

Will that be outlined in writing for us as well?

MS. ALIZADEH: I don't know because we don't know. If this matter were a trial, it would be different because, obviously, in trial it is beyond a reasonable doubt. And in trial it is the obligation of the defense to raise the issue, and if the issue is raised, it becomes the obligation of the State to prove beyond a reasonable doubt that the person did not act in lawful self-defense or was not justified in the use of force, but that's in a trial setting.

So we don't know how this, this investigation was, we talked about yesterday, is not typical on how we would present cases to the grand

jury. This is an investigation and I believe, and I think Sheila agrees, I don't want to speak for you, that your determination of whether or not force was justified either as self-defense or use of force to affect an arrest is a part of your decision process.

So that's something for you to consider. I don't think the answer is simply, well, we believe that a crime was committed, you know, probable cause to believe a crime was committed and he did it and not at all talk about those defenses.

But I don't know, we don't know what kind of instruction to give you on, do you have to believe that there's probable cause to believe that he used excessive force. I don't know, we don't know that. We don't want to tell you the wrong thing. So we're still trying to work that out.

Okay. I hope I haven't said too much. We want you to make the right decision, we want your decision to be based on the law. And given that neither Sheila nor I have ever had this experience before and actually, we talked, there's only been one grand jury investigation on officer's use of force in the past 15 years that anybody can remember, so we're kind of not sure how to proceed.

MS. WHIRLEY: We'll get it.

MS. ALIZADEH: We'll get you that instruction. It will be up to us whether we are right or wrong, but we will give you that guidance.

We are your legal advisers under the law, that's what our job is to tell you what the law is. Of course, presenting all the evidence that we can present for you and then you all are going to have to make of that what you will.

All right. So at this point, we will conclude the day and we will see everybody on Thursday at 8:30.

(End of the grand jury hearing Volume XXII.)

State of Missouri
SS.
County of St. Louis

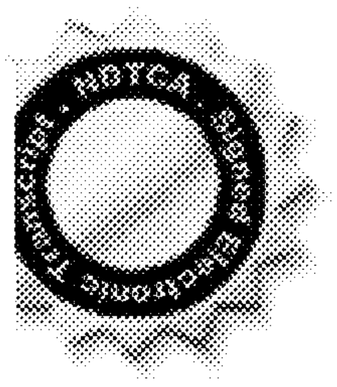
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The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to

and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

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State of Missouri v. Darren Wilson

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Case: State of Missouri v. Darren Wilson

Grand Jury, Volume XXIII

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

November 13, 2014

VOLUME XXIII

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 13th day of November, 2014, before .

APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

Assistant Prosecuting Attorneys for St. Louis County

100 South Central Avenue, 2nd Floor

Clayton, MO 63105

(314) 615-2600

GRAND JURY HEARING VOLUME XXIII

MS. ALIZADEH: Good morning. It is Thursday, November 13th at 9:26 a.m. This is Kathi Alizadeh of the prosecutor's office, Sheila Whirley is present, all 12 grand jurors are present, as is the court reporter. And I apologize, we're kind of getting a late start. We have our first witness in the morning here. We've had to meet with him a bit and he's reviewing some materials right now and then we had a discussion briefly before going on the record this morning about scheduling and about what might be in store for today. And then for the dates in the future that you have already given us and so with that being said, we'll just start the day and Sheila will take the first witness of the day who is Dr. .

MS. WHIRLEY: He's looking at some photographs, so he needs just a few more minutes.

MS. ALIZADEH: All right. We'll go ahead and pause the recording.

, of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. WHIRLEY:

Q Good morning, Doctor.

A Good morning.

Q And I just want to reiterate on the record for the grand jurors that we had already talked about, you know, that you're not supposed to discuss anything that we talk about here in the grand jury, correct?

A Correct.

Q And that even any fact which the foreperson mentioned, any fact or thing that may come to your knowledge that you've discussed here at all.

A Yes.

Q That wouldn't be discussed outside of these four walls.

A Yes.

Q All right. With that bit of introduction

we've met, I'm Sheila Whirley, Kathi Alizadeh is here, the jurors and the court reporter, tell us a little bit about yourself, Doctor. We know you're a pathologist, correct?

A Yes.

Q Are you a forensic pathologist?

A Yes.

Q What exactly --

MS. ALIZADEH: Sheila, for the record, I don't think he said his name. We haven't had him introduced.

MS. WHIRLEY: We had talked a little bit about that, I guess I skipped that step.

Q (By Ms. Whirley) Please introduce yourself and say your name and spell your name?

A ,

Q And in the future what I'm going to try to do and that's probably why I skipped asking, I'm going to refer to you as doctor and not use your name for many reasons.

A Okay, thank you.

Q Getting back to forensic pathology. What does that mean?

A Pathology is one of the 24 specialties in medicine, like OBGYN, dermatology, surgery,

pathology is a specialty that deals with finding out what's wrong with the body as opposed to treatment.

So we're the doctors in the hospital who run the laboratory to see what the blood count is, what the PSA is, what the liver chemistries are and tell the treating doctors if there is evidence of liver disease or kidney disease or prostate problems, and that's the pathologist's role in the hospital communicating with doctors who are treating patients.

Also, the pathologist's role is looking at biopsies, you know, breast biopsies, skin biopsies, to tell the treating doctor what kind of condition, cancer, not cancer, something else. And then the treating doctor does the treatment.

Q Okay.

A So there are a number of divisions in pathology. The biggest division is hospital pathology. Where the pathologist looks at the biopsies, do autopsies, find out what's wrong with the patient, look at the chemistry of the body.

And there are separate examinations, board examinations so that in all 24 fields, so that a patient looking for a doctor can tell whether the dermatologist has passed his boards or not and all

the specialties have to do you have to show the right training in the medical school, the right training in the residency program and pass various exams. And if so, then one is a diplomate or board certified physician, and that's of importance for others to know the extent of expertise that person has before going to the doctor.

Pathology has three big divisions that I'm involved with. One is anatomical pathology, which has to do with the anatomy of the body. That's where autopsies, looking at biopsies under the microscope and tissues under the microscope, is evaluated to see what the anatomical structure of the body is and what's normal or not, that's anatomical pathology.

Second division will be clinical pathology, which has to do with the chemistry of the body to see what's the blood count and the urine testing, et cetera, which gives us information about body function or organ functions.

And that's the prime role in hospitals, anatomical and clinical pathology. Forensic pathology goes a step further to look into unnatural deaths, accident, suicide, homicide.

92 percent of people in the country

die of natural diseases cancers, stroke, heart disease. And that's the expertise of the hospital pathologist, clinical pathology, anatomical pathology.

8 percent die of accident, suicide, homicide and that's specialized training of forensic pathologists. The general in this country there is something like 900,000 physicians, maybe 20,000 are pathologists, less than 400 are forensic pathologists that deal with unnatural death and that's where the forensic pathologist comes in.

Q Is that your current occupation?

A Yes.

Q Where are you licensed, Doctor?

A I'm licensed in New York State.

Q And have you served as a medical examiner in New York State?

A Yes.

Q How many autopsies would you say that you have performed as a forensic pathologist?

A More than 20,000.

Q Okay. And you are certified, of course, in forensic pathology?

A I'm certified in anatomical pathology, clinical pathology, forensic pathology, this is

about my background. I served as medical examiner in New York City for 25 years, including the role of chief medical examiner in New York City. And then I transferred to the State of New York and I was chief forensic pathologist for the New York State Police for some 25 years.

Recently retired, and I'm in private practice of forensic pathology.

Q How many years total would you have in experience?

A More than 50 years.

Q Okay. Have you any experience, are you a toxicologist also?

A No, I'm not a toxicologist who specializes in finding drugs, but all forensic pathologists have to be experts in interpreting what the toxicologist finds. So the toxicologist's role is largely chemistry and finding drugs, finding quantities, how much of the drug is present, but it is really the physician, medical doctor who interprets the results and sees how it affects any illness the person has or affects what treatment should be given.

Q And where did you receive your training, your training in pathology?

A Started out with a bachelor of science

degree at the City College of New York. Medical degree at New York University School of Medicine in Manhattan, New York, and trained in pathology at Bellevue Hospital and at the office of Chief Medical Examiner in New York City.

Q I didn't ask you to bring your CV with you today, would you happen to have a CV of your training experience with you?

A I don't think so, but I could get it to you this afternoon.

Q That would be great that we can count on that to get that later.

A Yes.

Q So tell us, you already told us how many autopsies you performed, tell us exactly what is an autopsy?

A Autopsy is a systematic external and internal examination of the human body to determine any abnormalities that might be present and any information that might be useful in determining cause of death of how a person died.

An autopsy will include taking specimens for toxicology, for DNA, for microscopic examination to look at tissues. So that the autopsy can provide a lot of information about cause of

death and the circumstances around death.

Q We're here today because of the shooting of Michael Brown and we've asked you to come before us because you actually did what sounds like was a private autopsy on Michael Brown; is that correct?

A That's correct.

Q You were aware that he had a first autopsy that was performed by St. Louis County?

A Yes.

Q Medical Examiner's Office in St. Louis County.

Do you recall when you would have done your autopsy, what date that would have been?

A Yes, it was Sunday, I came on Sunday around August, hold on a second. About August 17th, I guess, August 17th of this year.

Q August 17th?

A That would have been a Sunday.

Q Okay. And he actually died on August the 9th is our information?

A Yes.

Q So the County had performed an autopsy a week prior to you performing your autopsy; is that correct?

A Yes.

Q How did you get invited to do that autopsy, or how did you examine become involved in that?

A As I recall, I was called by an attorney for the family, Mr. was the attorney for the family, and he called me and asked if I could come and do a second autopsy.

Q And now that you are in private practice, how long have you been in private practice?

A Well, part of being a medical examiner, my 50 years starting in New York City was to do private practice in addition to medical examiner work in part because traditionally medical examiners always work for counties and always got paid less than other doctors, they make up on it, you can do some private work. So I do private work also, but since 2012, I think, I've been doing more private work when I retired from the State Police.

Q And does that consist of you doing second autopsies generally?

A Well --

Q Or additional autopsies?

A It generally consist of reviewing records.

Q Okay.

A However, it also includes doing second

optionies, doing first autopsies, and testifying about the findings sometimes.

Q Now, and you mention money, so that kind of prompts me to ask this question. Were you paid to do this autopsy concerning Michael Brown?

A No, I am doing this pro bono and about a third of the work I do is pro bono.

Q How do you make that decision what's going to be pro bono?

A A lot of that is how much, whether the family can afford it or not. If an autopsy is indicated, then I would work it out if they can't afford to pay anything, do it for pro bono and that involves a lot of work for families and for institutions, some institutions.

You have to pay for the expenses of the travel and the hotel here or the family pay for that?

A Um, my expenses coming and going is paid for by the attorneys. They pay for that, yes.

Thank you.

Q (By Ms. Whirley) Where did you perform your autopsy at?

A It was the funeral home where the body was removed from the Medical Examiner's Office, if I

recall, the Lane Funeral Home who had been hired by the family to do the burial services.

Q Was the body embalmed when you made contact with the body for the first time?

A Yes, when I saw the body on Sunday, the 17th, the body had already been embalmed.

Q Does that affect your finding in any way?

A It does have an affect. I prefer to do autopsies without embalming. One, it interferes with a lot of toxicology if that were needed because the embalming process changes the chemical makeup of the body.

But also it changes the way injuries look, the embalming process is largely formaldehyde, replacing blood in the body, does change the appearance of the wounds on the body and so to that extent.

Q Did you feel that you were able to look at the body, and I'm sure I'll ask you in a minute, all the documents and information that you have viewed or inspected to come up with your findings, did you feel that you were able to make an accurate finding though based on even the body being embalmed already?

A I thought I could make an approximate

finding.

Q Okay.

A I could tell bullet holes.

Q Okay.

A For example, but some bullet holes may be difficult to tell entrance or exit after the body is embalmed. And certain injuries are diminished in appearance because the embalming process takes out color from the body, it causes the color to be gray in the body, more so than during life.

Q Tell us what information, documents or things that you inspected to come up with your finding, and you did not write a report. You just recently viewed some things that were necessary; is that right?

A Yesterday I viewed a lot of materials that are important in arriving at conclusions. So what I'm telling you today incorporates much of what I saw yesterday.

Q Tell us everything you viewed to come to your conclusions?

A Initially, initially, I do the decedent, Mr. Brown, who had already been autopsied, that also changes, the autopsy itself can change appearance of injuries and wounds, especially things that are

removed from the body. Obviously, bullets are removed. We can't see where the bullets wound up, but we see the spaces where they were.

The organs are dissected, there are changes in appearance of wounds just on the basis of the first autopsy and the embalming adds onto it.

So I asked at the beginning, and yesterday I was able to see the following of those. Went to the Medical Examiner's Office, very courteous and professional. They have photographs and x-rays, they took a lot of x-rays.

Q What do the x-rays help you with?

A The x-rays show what the body looked like before the autopsy was done. The x-ray was taken before, about 30 x-rays or so. They show fractures that were there because sometimes during an autopsy the person doing the autopsy causes fractures, necessary to open up the chest cage and things.

Q Okay.

A And so the x-rays are the best indicator where the bullets are, can see right where the bullets were, which bones were intact and which bones were fractured before the incisions were made.

Q I see.

A The autopsy is done with two incisions.

One for the chest and abdomen, and one for the head. And that, so that was helpful. There were x-rays and photographs. The photographs, though, at the Medical Examiner's Office were all after the first autopsy was done. That is after the autopsy sutures and all and went from the Medical Examiner's Office to the police department and there was able to view the autopsies (sic) the police took and they took many photographs of the body before the autopsy was done. They were extremely helpful.

Q We have some of those photographs.

A Yes, I went through some that might be helpful.

Q Okay.

A And that answered a lot of questions I had as to entrance, exit, closeness of the gun at the time of discharge.

I also looked at clothing, the clothing was very important. Clothing is always, the two most important to the hospital pathologist, 90 percent, 95 percent of pathologists in the country, hospital pathologists, the most important part of an autopsy is internal organ, the heart, the brain, the lungs, kidneys, they're important, that's where natural diseases occur.

To the forensic pathologist the most important is the skin, that's where we see all patterns of injury, we see forensic evidence, trace evidence, blood, hairs, fiber, semen, saliva, that can be on the outside of the body.

And the skin, the clothing is part of the skin to us because the clothing and the skin contain patterns of injury, gunshot powders, cut wounds, and also trace evidence.

At the police headquarter building was able to look through and see all of the many photographs that were taken by the police and in the body in the virgin state for us. Having not been washed or touched or anything and the clothing.

Q The clothing, the x-rays, the body, you actually saw the body?

A Yes.

Q Did you review the reports from, well, from Dr. 's report?

A I'm sorry, about a week or two ago I was sent a leaked report, a leaked autopsy.

Q What did you call it?

A Leaked.

Q Leaked?

A That means it wasn't officially, it wasn't

officially released. I'm always concerned about leaked information as to how accurate it is. And yesterday when I went to the Medical Examiner's Office, I was provided with an official copy with the gross autopsies, the microscopic studies and toxicology, which turned out to be pretty similar to what had come out before, but the family still has a copy too. If I may interject.

Q Sure.

MS. ALIZADEH: I'm sorry, if you may what?

A Interject about the family. The reason that I was called by Mr. , you know, a week later rather than right away, sometimes families are concerned about a death, they want a second autopsy, they don't trust the first one necessarily, they call the next day. The reason that there was a week delayed as explained to me is that the family had been waiting for some information about the death, cause of death, for example.

And also I find, in all our work as medical examiners when we see next of kin and whether it's everyday work or situation like this, one of the questions the family often has is did he suffer, did my loved one suffer in dying.

One of our job as medical examiners

is explain what happened and to try to make it as less suffering as possible, make them feel a little bit the art of being a medical examiner.

In this incident they hadn't heard anything, they read the stuff in the newspaper. The reason I came down was to do my examination because they didn't know they were going to get information as to cause of death. They know he was shot, they didn't know how much he was shot and where he was shot. To this day they still haven't received a report. I got it yesterday, the family hasn't gotten an official report so that's one of the reasons why families get a second autopsy. I'm a great believer in media transparency, that's another topic.

So when I met with the family that was the first question was, did he suffer. I explained when that, one of bullet wounds in the top of the head went through the brain, that immediately caused him to lose consciousness. So that made them feel a little better he wasn't laying around in pain.

Q Okay.

A Then I gave my opinion about at least six, there was a press conference that occurred the next

day, that there were from what I could see at least six bullets struck the body.

Q We're going to get to that.

A So that's --

Q Okay.

A Even though I hadn't had all the new information, I'll paraphrase it, that's the kind of information I could give.

Q Since you have gotten some additional information as recent as yesterday, that doesn't change your opinion as to how many shots the body received though?

A No, I think that in going over everything, my opinion now is that there were seven bullets that struck the body.

Q We'll go through that in just a minute. So you did get a chance to review the medical examiner's report and also the toxicology report; is that correct?

A Yes.

Q And there was a microscopic skin --

A Microscopic slides.

Q Slides, go ahead.

A Of the skin. Microscopic slides of the skin of the hand wound.

Q You determined it was a hand wound?

A Well, yes, but they told me that.

Q Someone told you it was a hand wound? You didn't make that determination? In your opinion was it a hand wound?

A Yes, yes. Slides, you know, are labeled, so that, and the only slide because that was the only slides they took.

Q Okay.

A They didn't do microscopic examine of the heart, lung, all of that, which is usually done. The only sections that they make slides out of was the right-hand wound.

Q We have photos of that?

A And some tissue that was taken from the car, the police car.

Q Did you look at all of that?

A Yes.

Q Okay. Were you given access to what you needed in order to come up with your findings and conclusions?

A Yes.

Q All right. I'm going to let you look at some photographs. And I'm going to does you some questions while you are looking at the photographs

and these are photographs that you thought might be helpful in you explaining the injuries to Michael Brown, correct?

A Yes.

Q Okay. Let me ask you before I go into the photos, did anyone assist you with your, with the autopsy?

A Yes.

Q Who assisted you?

A There was a young man named

Q Is he also a medical examiner or a doctor?

A No, no, he was a person that had been hired before I got there, it was days before I got there. Who was an assist to the autopsy. Everybody in an autopsy needs an assistant, often the funeral director to help move the body and things like that. And in this instance they had engaged, I'm not sure what this young man who was to assist.

Q Because you didn't hire him, he wasn't someone on your team that you brought in?

A No.

Q Had you met him before?

A Not that I recall. He brought a photograph that about ten years ago when he was a

student, not medical student, at the University of Kansas and I came to the University of Kansas to do an autopsy in some controversial matter that he was a student, had worked summers at the medical examiner's office there and he was there. I signed a picture for him and he brought the picture and to remind me, he was, I think, a college student at that time.

Q Okay.

A But I had never worked with him or anything.

Q I see. So let's go back to the funeral home that Sunday. Was it early in the morning when you went to the funeral home that Sunday to do the autopsy?

A I came in early morning by plane from New York and I guess it was 11:00, 12:00, 1:00 when I started the autopsy. I was picked up at the airport in St. Louis and brought down to the funeral home and shortly thereafter, began the re-autopsy.

Q Re-autopsy. How long do you think that re-autopsy took?

A Oh, probably about four hours or so, plus or minus an hour, take a few hours.

Q When you first saw the body, what

condition was it in? I know it was embalmed, I mean, was it ready for autopsy or was, go ahead.

A The body had been, the body had been in the funeral parlor long enough to be embalmed, so it had been there for a few days. The body was on a table, one of the embalming tables in the funeral parlor similar to autopsy tables ready for re-autopsy.

Q What does that look like when you say ready for re-autopsy?

A I think it was, I don't recall specifically, a sheet over the body, a white sheet. When I removed the sheet, the body was on the metal, the top of the autopsy table and nude.

Q Was it sutured or not?

A The body was sutured. There are two incisions that are made in an autopsy, one is what is called the Y shaped incision. It goes from left shoulder down to the breast bone and the right shoulder down and then down to the pubic area. When it is opened up, it permits examination of the chest organ, the heart and lungs, the abdominal organs, which -- and then that's sutured up afterwards. And then there is one incision, second incision is made from back of the, ear to ear, the back of the head

that permits removal of the tissue of the skin to bend them forward and take the brain out and examine the brain.

And then when these sutures are, when these incisions are sewed up, this is universal.

Q Okay.

A In other countries as well. When the incisions are sewed up, one can present the body to the family, clothing covers the chest incisions, and a pillow will cover the back incision so that in the normal course, one can tell by looking at the remains and paying respects whether an autopsy has been done or not.

Q When you saw the body for the first time, it was sewed up, so you had to open it to do your autopsy?

A Yes.

Q Did you do that yourself?

A Yes.

Q So what things did your assistant do?

A He helped moved the body and to turn the body so that I could see the back. Usually this is the kind of things that funeral directors do when you go to a funeral home.

Q Okay.

A And there's no special requirement and that he also then, he had seen the body before it was embalmed, you know, when it came there and he gave me, told me what it looked like before the embalming. I think he had some pictures of that, but I don't recall specifically.

Q Okay.

A He was interested in trying to work out the different bullet tracks, which gave me some opinions about.

Q But you made the determination of the bullet tracks?

A Oh, yes.

MS. ALIZADEH: Can I interrupt you for a minute. What you said that, who was interested in determining the bullet tracks, is that Mr.

A Yes, he was a very enthusiastic young person. He was making suggestions to me, well, this bullet track that went in the head on the top and things like that, but my opinions are my own.

MS. ALIZADEH: Sure. I just didn't hear who you said.

A , he was the only one there besides myself, and also he could photograph. He had a camera and he took photographs of the autopsy while

it was being performed.

Q (By Ms. Whirley) Do you feel that your autopsy is independent of St. Louis County's autopsy or how would you categorize it?

A It is independent of it sure, but I review what I could tell from the examination what St. Louis County Medical Examiner's Office had done. They had done a thorough examination and by examining, you know, status of the organs, all the organs have been dissected and placed in a plastic bag at the time and the bullet tracks were still apparent.

Q Okay.

A They weren't removed, the bullets were removed, but not the bullet tracks.

Q So tell us what you did as you performed your autopsy and then we can maybe go through some photos if that's helpful or we can wait on the photos, so kind of tell us what did you do first when you arrived there?

A What I did first was examine the outside of the body. And to examine the head, the front, the back is important to make sure that there was, there wasn't any kind of injury or perforation of the back that could be overlooked if one doesn't

look at the back.

Then a second autopsy often is easier than the first because the incisions have been made, the ribs have been cut through, the skull bones have been cut through to get to the brain. So in one sense it is easier, of course, it doesn't tell you as much as the first autopsy necessarily. Because the first autopsy has changed things around a bit.

So in this situation, when I review the internal organs, they're pretty normal in appearance for the age and his build and all.

There were bullet perforations of the right lung that then coincided, correlated with gunshot wounds on the outside of the body. A large part of the autopsy had to do with reconstructing what the bullet wounds were, where they entered, where they exited, and then to my interpretation two bullet wounds could have been reentry wounds. I couldn't be certain about those until I saw what the official autopsy showed, which is one I received recently, yes.

Q Okay.

A And the photographs. So that was a large part of what I did is to determine the nature of the gunshot wounds and the direct entrance, exit,

directions and the closeness.

Q That's what we certainly want to know about.

So you open the body and you inspected the body for injuries and wounds, gunshot wounds and photographs were taken?

A First thing I did, the biggest time was spent looking at the outside of the body.

Q Outside of the body?

A Before opening up the inside.

Q Before we talk about any of the gunshot wounds, let's talk about other potential injuries. You may or may not have seen them. Did you see any bruising to the body, like bruises on the knees or anywhere on the body, did you note any bruising?

A Yes.

Q Can you tell us where you noted the bruising?

A Well, I thought the significant bruising was around the right eye. He had a lot of bruising, I'm still not clear about how it developed, above the eye and on the side and below the right eye. In addition to the gunshot wound that went through the eye.

Q So you think the bruising had nothing to

do, not nothing to do, was not from the gunshot wound that you are discussing?

A No, there was a gunshot wound, I'm sure the people are familiar better than I am than what I'm talking about right now. There was one gunshot wound of entrance just right of the forehead or so and that went down and caused a lot of damage, went downhill through the eye and the orbit.

In addition to that, there was scraping abrasions around the eye, bullet wounds don't cause scraping abrasions, rubbing abrasions against something.

Q That prompts me to ask you, did you get any information as to the fact of what happened, did you get any witnesses' versions of what occurred during this shooting?

A I did read an occasion when up in New York the controversy that was going on in Ferguson, some people, the hands were up, some people said he was charging the officer, so I was familiar with the controversy.

Q Did you hear that he fell face forward once he has shot in the head, did you hear that?

A I would assume that bullet wound in the head causes immediate lost of consciousness and

ability to stand upright. So he would have fallen after being shot in the head, yes.

Q So if he fell face forward, would that account for the bruising that you are referring to or you don't think, tell us what you think?

A I don't know. Probably, and to this day I don't know. Maybe I should have gone over to the scene to see the composition of the roadway that he fell on.

But usually falling face down, for example, causes bruising of the nose. The face is kind of protected. We have, people normally, normal person falls face forward instinctively put their hands out to protect themselves.

When somebody loses consciousness or somebody is drunk, you see this in people who are drunk, they can fall face forward and not instinctively protect themself. And then the bruising in the prominences of the face, the nose gets most of the damage.

The eye sockets don't, they are recessed a bit. So I think that by falling face down, and then falling face down you get ruptured blood vessels and bruises being black and blue marks. Abrasions being scrape marks on the skin,

like your child falls down and skids along some ground, they can get scrapes.

The scrapes are different than black and blue marks. There were scrapes here. So it happen to rub against something, it is rubbing of the outer layer of the skin. I don't think that would have occurred from an unprotected fall. And the nose was not that damaged either.

Q Okay.

A Just because you lose consciousness doesn't mean you fall immediately, it's just crumbled to the ground is more common, you crumble down and fall. Different ways of falling and that it was more scraping, not clear why.

Q What about bruising to his, did you see any bruising on his wrists or his arms?

A I saw one of the wrists had a little bit of a bruise that I'm not sure what it was caused by. Looks like he had something around the wrist that caused a linear abrasion of some kind. I didn't think very significant.

Q Is that something you can tell whether that bruise occurred contemporaneously with all of these injuries or is this looking like an old bruise. I know most doctors say it is difficult to

date a bruise. Did it look like something that happened contemporaneously with all the injuries?

A It could have, but it could have been there for a day before or something, not a week before.

Q Okay.

A We can't tell a few minutes before death or a day before death by just looking at it. Sometimes under the microscope we can tell. But we could also, some of these injuries can occur after death, you know, when the person is put in a body bag and tied up in the body bag just so it doesn't move, that can leave patterns also on the dead body so.

Q All right.

A I don't know how those little bruises happen.

Q Did you see any bruising to his neck area?

A I did not.

Q Okay. I mention the knees, I don't know if you gave me an answer, did you see any bruising to his knees.

A I don't recall, I don't think there was any significance.

Q Okay.

A I know that's mentioned in the autopsy protocol.

Q Okay. So let's look at some of the photos and you can tell us, first of all, you thought there was 17 shots that he received?

A Seven different bullets that struck him.

Q Okay. Tell us about that?

A As oppose to bullet tracks. One of the tracks was a graze of the biceps of the arm and that came across the arm and didn't do any significant damage to Mr. Brown and it is very difficult to be able to tell direction from that. It was not close to, medical examiner is one to two feet or less.

That is, we can tell distance, usually up to a foot or sometimes two feet, a foot and a half by the amount of powder that's distributed with the bullet.

Beyond that, we can't tell two feet from 20 feet or 40 feet, you know, shot from 40 would be the same marks and from 3 feet from a medical examiner's point of view.

Q Okay.

A So depending on the ammunition and the weapon discharged, 12 inches to 18 inches away because then you see some powder, but as you get

further away the powder spreads out, so that's how we judge closeness.

Q Were any of the gunshot wounds that you observed, would you consider any of those close range shots?

A Yes, the one in the hand is close.

Q And you determined that that is an injury from a gunshot wound?

A Yes, yes.

Q How did you make that determination?

A Well, I could tell, you know, when I first saw the body that's a typical graze injury of the tissues of the palm of the hand because graze injuries will look different depending.

Q The hand in any of those photos?

A Yes. If I may do it this way.

Q Tell me which one you like me to put up first.

A This is the only one that was close. These are the photographs that I looked at, these are your photographs. I looked at these for the first time yesterday afternoon and they are very helpful in this regard.

Q Okay. So we'll put those up. These are from Grand Jury Exhibit Number 7. And the first one

that I'm going to put on the Elmo, we call it, is, this is Number 75.

There's a laser pointer.

A Can I just get up? If I can just go here if that's okay.

MS. WHIRLEY: I'll just put that over here in case you need it.

A This is a photograph taken by the police after the body, after the hand has been washed. Now, when I saw this photograph, the hand, it was all gray and washed off and embalmed. And I could tell it was a gunshot graze just like the wound on the right biceps muscle, but not direction and not distance.

In this photograph in looking at the print, which is sharper, there is some powder here around one edge of it. And it is an interesting photograph, can I see the next one?

Q (By Ms. Whirley) Sure. Want me to put that on there for you?

A Yes. There is an interesting pattern that can happen here.

MS. ALIZADEH: Can you turn it the other direction?

A Thank you. You see what happens in a

graze wound is that the tearing of the skin tells you direction. So inverted Christmas tree.

The fact that these are going upwards would indicate that the entrance is down here and going in this direction. Because of, if you see this Christmas tree this way and upside down Christmas tree is going that way, that's how the tissues tear when there's a graze wound in areas of some loose tissue that's in the palm of the hand kind of thing.

Q (By Ms. Whirley) So the entrance where it entered is tighter than where it came out, it starts to spread?

A Yeah, but it is these things that tells.

Q Okay.

A It goes in here and there is some on the print, there is a little bit of blackish, tiny bit of blackish coloration, and that's what the medical examiner found on the microscopic. It was interesting when I look at it, after the embalming because body gets washed and all of that, I couldn't see any powder.

When the medical examiner looked at it in the fresh state, he didn't either because he puts in the autopsy that there's no gunshot powder

and then I didn't see any gunshot powder, he sees it under the microscope.

When I look at this now and there's a little blackening there that I think is not due to any artifact, that's really blackening due to some powder.

So that the weapon, the muzzle was near to this within a few inches, it wasn't contact, but within a few inches in my opinion at the time of discharge.

Q Can you tell by that injury where the shooter and the person who was shot, what their positions were?

A I can tell that the weapon, the muzzle of the weapon, in all of the reconstruction that medical examiners do, tell the muzzle of the weapon and the place the bullet enters where it is. So the gun had to be somewhere around, you know, that kind of a line, but I can't tell, we can't tell from an autopsy whether the hand is going forward or pulling backward or standing still. We can't tell whether the gun is going forward or backward. All we can say at the instant of firing, I would say roughly six, four, five, six inches away, the weapon was a few inches away at the time of the discharge and

struck. I wasn't able, I can't tell, the fingers could have been open or not open.

But at this point the bullet would have gone at this point cut through the muscles here, and that's one of the things that would be important in reconstructing, which I couldn't get, I tried to, is the examination of the car was there a bullet in the car or a bullet imprinted in the vehicle to see if we knew where the bullet struck, then we get an even better lining up of what happened.

Q Okay. There's two more photos, I don't know if they are helpful.

A Yes, they are.

Q This is Number 40, I'm saying this for the record, this is 49.

A I thought that maybe in this photo there's a little better, a little blackening between the ridges, you can see the ridges in the skin and some little black soot deposit. That's what comes out of the bullet because when the bullet comes out, it is an explosion that pushes the bullet out and any explosion you get powder. You get carbon, soot carbon, and burned and unburned gunshot powder fragments.

Q It is your opinion --

A This is essentially powder, so the heavy, and the powder would stay up until about four, five inches and then it goes away.

Q Say that one more time, I'm trying to visualize.

A When powder comes out of the muzzle of the gun, it goes for four or five inches and then it will dissipate. And the heavier tattooing would come from burnt, unburnt granules, not carbon. The blackening is carbon or soot.

Q That's in your opinion that's what this is?

A Yeah.

MS. WHIRLEY: Go ahead.

You said you can't tell if the hand or gun is moving in or out or whatever?

A That's correct.

: Can you tell angle, somebody sitting or standing by this?

A I can't tell sitting or standing, but I can tell, see what I would say is that --

: You can tell which way it is going?

A It is coming from this direction to this

direction. What I can't tell is whether anybody was sitting or standing, no, that's all I can relate to is the weapon, the gun and the target. And I can't because the wrist is so mobile see, it could be held upside down, sideways, all kind of different things. How it was being held I can't tell, but the fact that, so all we're doing is the muzzle to where the bullets land, the last one there.

Q Yeah, this is Exhibit Number 42.

A Did it show, yeah, that one. This is how the photograph was taken by the police before the hand was washed and there is a lot of blood around here, that this wound does cause a lot of bleeding, a lot of little capillaries and blood vessels there.

And that became important in looking at the clothing. Why does he have blood on his clothing, you get shot and you get shot multiple places and glass. If this happened very quickly, he wouldn't really have time for blood to stop dripping out of any of the wounds he had and he would have collapsed immediately. And I think the blood on his clothing and the drops of blood, dripping of blood on his clothing, which is the lower part of the shirt, the upper shirt is a lot of blood, his pants or the shorts that he was wearing have a lot of

blood drops on it. And the socks he has on he had a lot of blood, had blood drops on it. So that he was bleeding, the only place he could have been bleeding from is this area from here.

My opinion is whatever happened after incurring that wound, he was able to have blood from here drip onto his pants and clothing and his socks in whatever he was doing, walking or whatever he was doing or running.

Q Were you able, based on your examination, to tell which wounds happened first and what sequence of shots, what the sequence was?

A The only thing I can say this was the first wound. I cannot tell the other sequence.

Q Why do you think this was the first wound?

A Because of the bleeding that occurred when he left the car and that he had incurred the wound in the car just from the history and that.

At some point he received the other wounds, the wound in the head would have been, would have caused him to lose consciousness.

Q And be fatal?

A However that's probably the last, to next to last. If his head was down and would indicate because in order for the wound to be inflicted in

the head, top of the head, the muzzle of the weapon has to be, this is kind of the wound in the top of the head.

Now that could be somebody is up here in the ceiling and shoots down, they can give me that. If I'm lying on the ground and the muzzle of the gun I can get that, or if we accept the position of the shooter, you can't tell unless you know the position of the shooter.

If he's standing up, as appears from what I've read, assuming that, then his head would have to be down so that the shooter would have to be able to fire at the top of his head.

And if he's down and he fired three fast, quick shots, which could occur before he falls to the ground, he would have one in the head, one in the forehead that goes down through his jaw and one in the chest that all occur with three quickly fired shots.

So even though he crumbles, starts falling immediately on the one in the head, and probably could have been the last shot, if three shots were gotten off, it could be done before he falls to the ground and he would be in a position with his head down for those three shots to occur.

Q Okay.

A But they would have been very quick.

Q Do you have any information about how long this incident occurred from the time that he encountered the police officer to lay dead in the street?

A It was quick, but I don't know.

Q All right.

A I don't have any information.

Q If you want to come back and sit down you can.

: Could you go back to the second, I notice something in the second photo you put up.

Q (By Ms. Whirley) Okay.

On the tip of his thumb looks like an indentation. Can you incur anything from that, be the barrel of the gun?

A No, the barrel of the gun at this point I would expect more soot, well, I can't tell. The indentation I think is more postmortem. You can't say it happened before death because the body is moved, the skin, as I said, we find most common when tied up in the body bag or so, marks on the skin occur just from pressure, postmortem pressure can

show up like that. And we can't tell what's before or afterwards, but I can't tell.

MS. WHIRLEY: Anything else?

Q (By Ms. Whirley) Let's talk about the shots one at a time and you prefer to stand there?

A Yeah. If you are going to do that, I put it so that the top one.

MS. WHIRLEY: I may have messed up your order.

A That's okay. The way we usually do it, way we do it in New York, with multiple gunshot wounds, we will describe the wounds and number them from the top down.

Q Okay.

A That doesn't in any way signify the order of shots, because usually we can't tell the order of shots. So the number one that was, I think also was in the autopsy report.

Q You kind of describe the head shot already, correct?

A Yes.

Q And they've seen that shot, so is there anything else you want to say about that?

A You can show it for a second.

Q Okay. That's Photo Number 99.

A And just that, even the head shot, even they had to take the hair off to show it, it didn't show any powder around it, which would be another indication that it was a distance away for what it's worth.

Q Okay. I don't know if you want to tell me.

A This one would be a good second. This is the second going down.

Q All right. This is Number 95. Let's see, I'm not sure, is that a better way to look at it or should I do sideways?

A You know, put it sideways please, the other way.

Q The other?

A So he's on his back.

Q All right.

A Now if you put it up a little up there. Thank you.

MS. ALIZADEH: When you get a chance.

MS. WHIRLEY: You have a question?

Whose photographs are these?

A These are all photographs I saw for the first time yesterday that were taken by the St. Louis Police Department who came to the Medical

Examiner's Office and the police took them all, not the medical examiner, the ones I looked at initially were medical examiner photographs I said, and that was after the autopsy had been done. So the police were there and they took all of these photos before the autopsy was done.

MS. ALIZADEH: These are out of that packet of photos, Grand Jury Exhibit Number 7.

A Now, in this one, can you turn that front light out. This is a bullet wound of entrance, and again, no powder around it. More than 18 inches away. Can't tell how much more, and the bullet track, thank you, came down through the orbit, the eye and caused some fractures and exited down here through the jawbone on the side.

So that was also, see, that would have lined up, as I tried to figure out if he were bent over to have the top of the head and then a parallel line going down and exiting here.

And when I spoke about the abrasions, see the nose is pretty good. If he fell down and he got the injuries to the body, they should be more prominent on the nose and on both sides of the forehead, not just on one side of the forehead.

And I don't know, these look like

superficial scrape marks. They can happen sometimes, I don't even know if after the body is on the floor and people in the course of removing the body to the body bags, pull the body because the person pulling the legs is stronger than the person holding the head, they can cause some scraping damage, but this is more than usual so I'm not sure why.

You prescribed linear and/or scraping a relative motion between his face and whatever object he scraped against. If he had his head down and in a charging motion, meaning he had a motion toward the officer, when he fell with his final shots, could that have caused, I mean, that type of abrasion.

A Yeah, but then it would be most prominent on the nose.

What if his head was turned?

A Also, there would be the object, the sand or dirt would be incorporated in it. This looks like a very clean, this is before he was washed and this looks all very clean. The blood is still dried here so.

Q (By Ms. Whirley) I think the juror said what if his head was turned like on that side, what

if it was turned toward the right side?

: Head down and turned?

A It's possible, I've not seen this extensive from that, but I don't know what the composition of the ground is either, so that's possible.

: If he would have fallen square on his face, you would expect to see something on the nose?

If there wasn't damage to the nose, that applies he didn't land on his nose first, he had to land on one side or the other?

A If it was caused by his landing, yes.

: August 9th was a very, very, very hot day here. So could it possibly be the ground was hot and from the impact of the fall?

A It's possible, it's possible. But it would require movement. Just lying there on the ground wouldn't cause the scraping abrasions, it's possible, it's possible.

MS. WHIRLEY: We have another question?

A It is kind of prominent for that.

I'm going to go back with what you said if he would have fallen. Michael is a very big guy.

A Yes.

: We do know that he fell, with this impact, we know that he fell face forward.

A Right.

: My understanding of his question is if he fell face forward, wouldn't there be something on his nose, disregarding these, wouldn't there be something on his nose that indicated he fell face forward?

A Yes, but then he added on the question what if it was just on his right side.

If he fell face forward, straight on, there would be something on his nose?

A Yes, yes.

Some sort of an abrasion?

A Yes.

So if he had his head down and his head turned, that would lead us to a conclusion that the abrasions would be on the side of his face instead of the nose?

A Right, yes.

Which is where these are?

A On the right side, yes.

MS. ALIZADEH: Just so you are clear, you turned your head to the other side.

I don't know my right from my left.

MS. ALIZADEH: Because the injury is to the right side of his face.

Right.

A Yeah, if he fell on his right side and he moved forward you get certain abrasions. He also has cuts here, some of these are not just scrapes, but they're lacerations.

MS. WHIRLEY: They don't come from the gunshot wounds?

A No, they don't come from the gunshot wound. the gunshot wound goes deeper and through the eye. If they came from the gunshot wound, the gunshot wound would be more to the outside.

MS. WHIRLEY: Even if it was grazing?

A This one is going into underlying soft tissue, so that it is underneath this.

MS. WHIRLEY: I understand.

A It is underneath the skin there and in order to graze you have to be on top of the skin. And this one went deep enough to go through the eyeball and come out down here.

MS. WHIRLEY: Okay. You don't know what to make up of it then?

A I'm not sure why. I think the thing that puzzles me is the combination of factors. That some of it could be by scraping somehow, but not all of it. And if this were say a blow to the face causing laceration, it normally wouldn't cause a scraping wound. So it is some complex reason.

: Doctor, the top could be a small fragment, bone fragment that could do that?

A Bone fragments can protrude through the skin, but in this instance it didn't, the bone fragments were largely the lower portion of the orbit and there was no bone fragments that were protruding. And that's the value of what the police did is that they took these photographs before any changes were made by the autopsy or by the embalming. And I think that's an interesting point, the bone fragments. I don't think it was caused by bone fragment, the fragmentation was lower down.

: Thank you.

MS. WHIRLEY: Anybody else?

I have one more. Earlier you said that you would have to see the structure of where he fell to determine if any of these could be --

A Yes.

You mean if it were gravely, or if there were rocks in the road?

A Right, yes.

: Okay.

A That could affect it. And what I should say to you, when we do autopsies in our line of work, we try to answer as many questions and issues that we can. We often, there are findings that we can't explain. So that even issues like the cause here, I can't really explain it. And that, that often happens in autopsies, you explain the major ones that answer the question, but not everything.

And there are other experts that is a gravel expert, they have gravel experts might have a better idea or somebody doing experiments on injuries to skin, which are very difficult to do now because it needs appropriate approval by boards that you can't do experiments on people that hurt people. However, they can do it on pigs and animals sometimes and there may be somebody around who is an expert on that, but it would be more able to answer the questions on that surface with the human skin. It is very similar to pig skin, would develop these injuries just from contact with the gravel falling with a certain force.

MS. WHIRLEY: Okay.

A But again, that's a value, it doesn't indicate the cause of death, but it is a value in what happened to him.

Now, the exit is here and then if I might see the one difference I think I have with the official report is.

Q (By Ms. Whirley) Number 86?

A The other side, please, the other side around.

Q I'm sorry, there we go.

A They don't train you how to do that in law school, I guess.

Q I'm just not paying close enough attention.

A What I would say here the bullet wound, they do everything nowadays these machines, bullet wound comes down through here and as I repositioned the head and all and look at all the additional photographs. I think the bent head that is right on top of the clavicle here, the collar bone, this bullet goes through here and this is a reentry wound. It looks to me like a reentry wound.

I think the way the medical examiner put it down as a separate entrance. So in that

regard I have one less bullet that struck Mr. Brown than the medical examiner did, but it doesn't change anything substantially except for forensic pathology point of view. I think the bullet exits here, goes into here, hits the clavicle, hits the lungs and stops.

A bullet that's going straight, the one that went through the head went through a lot of thick skull bone and a normal, which is another indication that it was kind of a spent bullet by the time that it goes through here and into the lung, which is right next to it, it has already lost most of its power. So that I think is reentrance that I think would be the difference in the way we organize the tracks.

Here is the third bullet wound of the chest that I thought might be a reentry when I did the autopsy, but I think turns out with all the additional information I agree with the medical examiner that's an entry wound.

So you have the head, the face, the facial one coming out here and this pretty much all could be within a foot or two if fired rapidly. Whether that was the last bullet wound or not in the head.

Q Okay. So far from what you've described in the photos we've seen, this would be, you talked about three entry wounds, three bullets?

A Well, actually, yes. The head, the face, I'm not counting this one, this is a reentry.

Q Right.

A When I look at it close, it also has markings of a reentry. It is not quite as round as an entry wound would be. And this one would be three, three of the bullet wounds and these are the wounds, these are the wounds where bullets were recovered it turns out.

The bullet was recovered here from the side of the face, right side through the brain from the side of the face and was recovered from within the autopsy of the head.

The second bullet comes through the face into here and then is recovered in the area of the lung, and the third bullet here comes in here and largely goes through causing a fracture of the eighth rib.

See up here is the third rib and this by the eighth rib and is found, goes through the eighth rib and the lung, the lower portion, this upper lung or lower lung on the right and it is

found next to the eighth rib in the back.

And what we found in the second autopsy is that it was the incision made in the back, not through any injury as it was an incision made to recover that bullet.

In order to recover the bullet in the back, it was underneath the skin, they had made some incisions at the time of the first autopsy and that all comes into how we have to examine bodies when there is a re-autopsy. We inferred that there was a bullet taken out, but I didn't see the photos until yesterday.

Q And it certainly didn't look like any injury, he was shot in his back anywhere; is that correct?

A No, no, he was shot here and it went to the back.

Q So there was no injury to his back?

A That's right, no injuries to the back.

Q Okay. All right.

A The issue comes up with the arms, yes.

: When you were describing the jaw.

A Yes.

I want to make sure I

understand. We're talking about three bullets, but four bullet wounds because you consider one to be a reentry.

A Yes, yes.

: When you are describing that reentry wound from the jaw, you had your head like this. (indicating)

A Yes.

: So based on where it is in the jaw and it reenters in the body, it is pretty safe to say that the head, it was like this? (indicating)

A Yes.

: Not like this, but like this. (indicating)

A Yes, yes.

: Okay.

A But that would still present it would be with the skin of the jaw next to the clavicle, the inside, you can feel your collar bone, but right next to it so that that trajectory could occur.

: The reason I ask that question is because I think having your head like this versus just falling forward, it is going to show what you're doing more, do you understand what

I'm saying?

A I see what you're saying. I'm not sure of the interpretation you have is as good of interpretation as I have, but it would be that the chin would be, if the chin were not right next to it, bullet coming out of the chin would have gone into a different place.

: What I'm saying is though that if he were simply falling forward, his head would be more lax?

A Yeah, yes, I think that at the time he was shot his right side of his chin of the jaw was against the collar bone near the midline at the time he was shot. I can't tell from that whether he's going forward, going backwards, whether he's standing still, I'm just saying that.

To explain that as a reentry wound and his head is that way, if that's not a reentry wound and it is separate bullet wound, his head could have been either or --

A If it is not a reentry wound, then it is a separate bullet wound and that bullet was recovered, those are the three that were recovered.

That comes out of his right jaw, is that straight line from the entry point to

the exit point out that jaw through his skull a straight line or did it move as it traveled around his eye?

A No, pretty much a straight line. The facial bones and the orbit bones, they're thin bones and essentially when the bullet goes through, stays within 5 or 10 degrees, it doesn't go around further than that in this kind of a setting. Especially a larger caliber bullet. We sometimes see funny things with a .22.

People shot in the eye, right around the skull, no exit wound sometimes?

A No, this is a straight wound and it winds up that way in probing it.

MS. WHIRLEY: All right. You got another one?

A So those are the three or four.

Now, we have the more complicated ones.

MS. WHIRLEY: Okay. This is Photo Number 78. Is that the way you want it, Doctor?

A Yes, thank you.

MS. WHIRLEY: All right.

A This shows the graze, the graze and that's a bullet that struck, even though it didn't cause

any damage, a bullet that struck the body and as far as we know it struck the body and disappeared. It is not in the body and I didn't see anything in the clothing that would indicate that it landed there.

The clothing, unfortunately, the T-shirt he was wearing, short sleeves, so it just goes up to around here. So in long sleeve shirts we could see more of an entrance and exit in clothing that would be helpful.

MS. WHIRLEY: Did you see any gun powder on the clothing at all?

A Nothing on the clothing. No gun powder on the clothing and from what I gather the police didn't either.

And this is an entry wound from the front, the upper arm is, you've been told about the anatomical position, the imaginary anatomic position that medical examiners' use. In autopsies, body, palms forward at attention, all measurements are done that way.

It is very rare that victims are that cooperative, so you can tell exactly what happened because the body is mobile and in this situation, if this is front anterior, the bullet came in near the top and came out the back, that's a front. In and

out gunshot wound of the upper arm. This is a graze wound and I think the next one shows the controversial one.

Q (By Ms. Whirley) Okay. We'll do this one and then we'll take a break. Number 83, is this the right way, Doctor?

A Yes, that's good, thank you.

Q Sure.

A What's interesting here this is.

Q Should I bring it down a little bit, I don't know if that will help or not.

A What's interesting to me is that, you know, the blood, nothing has been washed off. This is the entrance behind and the exit, and this bullet went through a bone in the forearm. The ulnar bone, the two bones in the arm, the radius and ulnar. The ulnar is kind of underneath the pinky and the radius is on the other side.

This went through the radius, the x-rays that show little fragments of metal and the fracture of the radius bone. Partly, that's why there's such a big exit wound, it is wobbling and it had destroyed some bone.

But this is the entrance and this is the exit and this is from behind. Now it went from

back to front.

Now, it could be standing at attention, going back and front, could be arms up, could be arms way up, would have the same thing. It could be if the arm is in front, since the arm is mobile, if I put my arm like this, it could come in the back of the arm and come out the front. And in that situation it would have to reenter into the body, which we don't see, which we don't see.

Q Why do you see that as controversial?

A Well, as to whether he was shot, people say from the back, no injuries to the back, but I interpret that as being from behind.

Q Right.

A I know there's some controversy as to whether or not he was shot while his back was to the officer.

Q That's a question that we have.

A Yeah.

Q Does this support that?

A This would support from being shot from behind. It didn't hit his back, but from behind. There are other ways if this arm could be moved in other directions, you can twist your arm around and that has to be taken into account, but there isn't

any kind of mark, bullet wound on the chest that would support that. And so much of it becomes, which eyewitnesses are better and that's, that doesn't come with medical school.

Q I guess within the bowels of reasonable medical certainty or in your opinion, you're saying that this injury to this forearm could have occurred with his hand up?

A Yes.

Q Or with him running and someone shooting him from behind, or not running, someone shooting him from behind?

A I'm saying at the time of the shooting the gun was pointed at the back of his arm, that's all. Where his arm was depends on what other information you have.

Q I see.

A This is from behind from a forensic point of view.

MS. ALIZADEH: Any questions?

: Pretty much the same situation in the hand, you can get an idea where the gun was positioned, the trajectory of the bullet, but you can't really determine the positioning of the limb?

A You're right, at the moment of fire.

: Okay.

A A limb can go through, within a second, go like this. All I can say is at the instant of firing it is almost an instant it could go through, the bullet, the muzzle was pointing at the back.

MS. ALIZADEH: Doctor, you testified, and I'm wondering if this was just an error, that you just said that the radius was fractured?

A I'm sorry, I meant the ulnar, the ulnar.

MS. ALIZADEH: I wanted to clarify.

A The radius, I was just pointing out attached to the side of the thumb, thank you, and the ulnar is on the pinky.

MS. ALIZADEH: And that concurs with Dr. 's opinion that the ulnar was fractured, correct?

A That the --

MS. ALIZADEH: The ulnar.

A Yes, thank you.

Could the difference is a police officer not being exactly behind Mr. Brown, but on the side, he could have struck here?

A You mean beside you?

: The policeman.

A If he was positioned this way to the gun.

: Exactly. If the police are here and I shoot, that don't mean that he shoot from the back.

A That could be from the side, but then you see once that bullet comes out, it would strike something if it is there. If it is this way.

: He's running and he's doing this with his hand, you move the arm when you run and the police was right there, it could strike here and get out from there? (indicating)

A That's possible. That would show the same thing in the autopsy as with the hands up or the hands around --

Or could be like this? (indicating)

A Yes.

: That is possible too?

A Yes.

You're not going to find any other thing on the body because the bullet is going to go --

A Yes, yes.

Thank you.

MS. WHIRLEY: Any other questions? I know

you probably need a break, maybe the doctor does too. We'll do that now. I'm not sure of the time. 11:04, so let's just take a break.

(Recess)

MS. WHIRLEY: So we're back on the record.

Q (By Ms. Whirley) So, Doctor, tell us how many wounds have we gone through so far? You thought six to seven.

A I think we're gone through eight wounds and seven bullets tracks.

Q Okay, all right. And tracking, when you say bullet tracks, when you say tracking, what did that mean, first of all?

A Examining injuries to the body caused by bullets.

Q Okay.

A Even though some of these injuries are less important than others.

Q Are you able to tell like where the shooter was in relation to the person that shot by looking at wounds?

A In my opinion of the seven bullets that struck Mr. Brown, five came from in front of him, the one in the biceps can't tell, the one that, of the seven bullets that struck, one was in the hand,

which I think based on the, my review of the histology and all, came while his hand was in the car.

One came through the upper arm biceps graze wound, can't tell which direction. And one came from behind the right forearm, which could have come from behind, the others were from in front of him, the weapon was pointed at his front at the time of discharge.

Q Okay. Any questions on any of that?

We'll look at another. This came out of Grand Jury Exhibit Number 7, photograph is Number 6. And let's see, which way, Doctor, the other way?

A Yes, the head by three o'clock, thank you. The reason I'm showing this, I did examine his clothing yesterday at the police building and was impressed, which I haven't realized it that there were drops of blood that had come from drippings from above. And there was some on the socks, which you can see closer if you look at the socks, drops of the socks.

There had to be a time, from the time that Mr. Brown was injured and bleeding until he collapsed where the blood was coming from above. And the only place I could figure out it came from

was the hand.

So that after he takes his hand from the car, he is dripping blood that goes, there's also some on the shirt, but that has a lot of blood that developed after he was on the ground because the body kept oozing blood while he's laying face down after he's dead. And so there's a lot of blood that occurred after he died, but these drops of blood all came while he was alive and to me had some significance about this occurring while he was going away from the car.

I can't tell from this how far away from the car he was, but he did not leave that car without realizing that he had suffered an injury to the hand. Whatever psychological effect that has on people, he knew he was bleeding, he knew he had a gunshot wound to the hand.

And the skin on the car matches coming from here. So that I think that, whoever examined the car, they did a very fine job to find a piece of tissue on the car because it had already dried and all, when he takes the hand out of the car after it's injured, it goes against, it leans against the car, wherever that was taken from, I don't know which part of the outside it was and then

he continued in a way that depends on eyewitnesses and all.

Q In your review of all the information to come up with conclusions, did you determine whether or not Michael Brown was right or left handed?

A No, I didn't determine that from the autopsy.

Q Did you determine it from any other source?

A I think I was told he was right handed, I'm not sure. 85 percent of people are right-handed, but I don't know, I didn't determine.

Q Okay. And if, as you described the wound to the hand as occurring in close range, not contact, but close range while his hand was inside of the car. And it would have bled quite a bit, would we, should we expect to see a lot of bleeding in the car?

A I would expect that there would be blood in the car, plus blood on the weapon, you know, that drops of blood came out and blood along the trail, blood drops coming down don't only land on the socks, they would land on the ground and it would depend on how carefully the scene was examined to look for a blood trail, especially in hot weather.

One of the things about hot weather it does things to blood and all on the ground that makes it harder to identify. And that kind of a trail can be helpful in determining how far he went.

Q Okay.

A But you know that from the position of the body, I don't know the distance, I've heard all kind of distances.

Q But it would be your opinion that the majority of the bleeding that would have occurred before he fell to the ground came from the hand?

A Yes, there was no other place that he would be bleeding from. Once he goes down on the ground, he's bleeding from the head and from the chest and that would accumulate with time. So that's why we see a lot of it on clothing on the upper shirt. But that happened after he collapses.

Q So when he's shot, let's kind of go through it. He's shot, there's a gunshot wound to the hand, there's a gunshot wound to the forearm?

A That comes later, yes.

Q That comes later. Because, I believe, you said it is your opinion that the gunshot wound to the head would have been last; is that correct, to the top of the head?

A The three of them happen in rapid succession and certainly he would lose consciousness on the top of the head.

Q All three of those are in the head region; is that correct?

A One in the head, one above the eye and one around the level of the nipple on the right chest.

Q Okay. So those are the three?

A Yeah, because they lineup pretty good if there was somebody shooting rapidly.

Q Okay. My question to you is twofold, one is, once he received the shots, all the shots that you examine except for the head shot, and maybe it cannot be separated, I don't know. Would he still have been mobile?

A Yes.

Q On his feet and able to run or charge at an object?

A I think that certainly the arm shots, the arm shots would not prevent him from being mobile and running front or back or whatever. And the one in the lower chest wouldn't necessarily slow him down, but the one in the eye, you know, that goes through his right eyeball would, could make him lose consciousness because it does have lines of force

going through the brain tissue and all, but not necessarily.

Q Okay.

A So he could have been, now whether he could be running or, you know, or walking or whatever, would vary from person to person. In fact, some people if they're shot once in the arm might faint, I guess he wasn't the fainting kind.

So how people react to gunshot wounds is a different thing, but from the anatomy point of view, he would have been able to be conscious and theoretically, but for the bullet wound in the head, could have been treated and survived if he went right to a hospital or something.

Q And the wounds that are around the right, you said there was one to the chest area, correct?

A Yes.

Q And you don't think he would have been bleeding much from those wounds?

A Well --

Q Before he collapsed?

A He would be bleeding internally, but not outside because bleeding usually, internal organs are injured internally and then they will spill outside. When he collapses, the blood will start

coming out after he collapses.

I'm sorry.

: No, that was the question that I had because I was wondering, I said why, I mean, this is a big guy, I'm quite sure the volume of blood in his --

A Is more than normal.

: I know when I went to the doctor to get a flu shot, she stuck me and I didn't bleed. She said you have good elasticity in your skin and I thought maybe that's why he's not bleeding.

A That's true. We see this a lot with knife wounds, even in the heart. The knife goes in and goes out and most people, the skin and fat tissue will immediately close up, you know, there isn't a hole left. It is a slow process for bleeding to occur through the body.

Superficial cuts on the hand bleed very much, and this is sort of a superficial cut because there's no skin there to come together from elasticity, so that's why cut wounds bleed more than bullet wounds because the bullet goes in and the skin elasticity and the outer most tissue underneath it close it up.

So when he is shot in the front, the blood doesn't start to come out right away. It could in a few minutes, but he collapses to the ground. And you can see in the head, there wasn't blood matting the hair, although there was bleeding that came out.

I can see in the scene photograph there was some blood coming out gradually from the top of the head, but it went downward and didn't mat the hair up. It wasn't a massive amount, it was a small amount.

So that I think that in the normal course you get very little blood coming out if a person collapses right away before death occurred in this case, because of that final shot.

Q (By Ms. Whirley) You said you had some training or education in toxicology and that's part of your total package as a medical examiner?

A Forensic pathologist.

Q As a pathologist from looking at it. Did you look at the toxicology report in this case?

A Yes, I did.

Q Was there anything about the result of that toxicology that in your opinion would affect how he would have reacted, his behavior once he was

shot, if you are?

A A very topical question. Yeah, marijuana is not a drug, it is a group of about 18 different chemicals. So that it isn't like taking a barbiturate or cyanide, which is just one chemical, marijuana has all kind of different chemicals where it is grown, the fertilizer, the water supply. The one that is most active is the Delta-9, tetrahydrocannabinol, THC. He had some of that in his blood. And that could affect, could have affected him, however, it is a relative small amount and how it affects somebody varies.

Some people can have hallucinations with a lot of marijuana, other people just go to sleep. During the '30s, 1930s, there was terror of marijuana that it made everybody go crazy, it doesn't make people go crazy. That's why the laws have been so strict on it, but now it is coming into more legal status in some places.

Marijuana is kind of unpredictable, some people can take marijuana and do funny things and other people are just perfectly normal with it.

The problem, marijuana from the toxicology point of view, marijuana gets into the soft tissues and fatty tissues in the body. So even

though I smoked a joint two days ago, I might still have little bits coming out today into the bloodstream, or even studies have done for three or four weeks as it's released from the fat.

So the amount of marijuana he has could cause abnormal behavior, but usually doesn't. The best indicator of that would be what his behavior was in the time period before and I try to look at that and you see the incident with the cigars, where he took the cigars or the little cigars. Would that in any way be affected by marijuana I think is a guess. Was he walking the street because of marijuana? That isn't usually what happens with marijuana, but it could be and it is too variable.

If all of us smoked the same amount of marijuana, we would all act differently. Most of us would just feel very nice about it, somebody might not feel very bad about it and some people may go to sleep and somebody might do something that he wouldn't normally do, but that's, but it was present, but he did take it within a day or two.

Dr. , he indicated that the amount of Delta 9-THC --

A I'm sorry.

He indicated in his testimony that the amount of Delta 9-THC that he had in his blood compared to the way it is broken down, not just in the urine, but in the blood was not consistent with just a little bit of an amount. He indicated that given, if you look at the whole picture and not just the 12 nanograms and when it was done, that it would indicate that it was a larger amount than just a little bit amount of marijuana, would you agree with that?

A Well, it is definitely evidence of smoking marijuana. The problem is whether it is 12 or five or 20, it affects people differently and a lot of it has to do with how, what do you call it, how used to it, how often a person has taken it before. If you take it more often, it has less of an unpredictable affect.

It could have been a factor in his behavior, but the best measure of his behavior is what he was doing all day. Was he acting different than he usually did, for example, and that would be for friends and relatives or witnesses who saw him during the day. Was shoplifting cigars a great departure from his usual behavior.

So great of a departure that one

could say he was influenced by the marijuana or did he do that sometimes when he didn't have marijuana.

It is interesting that no other drugs were found and no other medications were found. I couldn't find if he had been taking any other medications that he had stopped taking.

MS. WHIRLEY: Why is that interesting to you?

A Because if he was supposedly taking some medications for weight or for emotional disturbance or for sleep or so, and under a medical directive we should see it in his bloodstream. With the toxicology and the toxicology can tell us if somebody is taking drugs you are not supposed to take, like marijuana, or some they didn't take drugs that they should have taken.

Suppose somebody is on antipsychotic medication and there is none in his toxicology, that would indicate he wasn't taking his medication, that could be a reason for his behavior.

So toxicology, everything it has and everything it doesn't have has significance, and in this instance, I think marijuana is significant that he smoked marijuana, but 99 out of 100 people taking marijuana aren't going to get in a fight with a

police officer over it in my experience.

MS. ALIZADEH: Can I just clarify something here, Doctor, your credentials are as a forensic pathologist, although you have a working understanding of toxicology, you are not a toxicologist, correct?

A No.

MS. ALIZADEH: You're not a toxicologist?

A No, that's correct.

MS. ALIZADEH: You are not a pharmacologist?

A That's correct.

MS. ALIZADEH: I would imagine you've never been qualified as an expert in either of those fields in any court of law in the United States, correct?

A No, that's not true because we often have, we're an expert in interpreting toxicology and there was for about five years I directed a toxicology laboratory in New York City.

MS. ALIZADEH: My question is though, you are not a toxicologist or a pharmacologist, correct?

A That's correct.

MS. ALIZADEH: And although you might look at the reports or the results that a toxicologist

has come up with you, yourself, cannot perform those tests, correct?

A That's correct.

MS. ALIZADEH: And so you rely on a toxicologist to come up with his findings and then you may or may not find that has any significance in your findings, correct?

A That's correct.

MS. ALIZADEH: But the affects, the findings of a board certified toxicologist, you are relying on the findings of Dr. in this case, correct?

A On the findings, yes.

MS. ALIZADEH: So your statement that 99 people out of 100 wouldn't attack a police officer, what's that based on?

A Based on 20 years I worked with drug addicts, on the board of directors of a number of drug and alcohol programs in New York City. While 25 years I was in New York City as medical examiner, deputy medical examiner and then chief medical examiner, we did lots of autopsies on drug users, because we got a lot of autopsy findings in that regard. I was on the board of directors and worked closely interviewing and treating drug addicts,

mostly heroin addicts and alcoholics, in different communities.

And all of them there was an issue about marijuana because even back 20 years ago, is marijuana the gateway drug to further and more severe drug abuse, which was the general feeling as far as the federal laws went.

And one of the things in talking to drug addicts and working with drug addicts, I found that marijuana did not play a significant role in their behavior except for one fact, and one fact is the significant fact was because it is illegal, the person in contact with the seller was also in contact with people who sold other drugs. They were more vulnerable to heroin, barbiturates and other things not because of their behavior, because they were in contact with people who sell illegal drugs and made them more vulnerable to it.

So in my opinion working with addicts clinically, as well as autopsy findings, I think that marijuana is not any worse than alcohol.

MS. ALIZADEH: To clarify, Doctor, you're testifying as to an expert opinion today, are you testifying today that you have been qualified in a court of law as an expert in toxicology?

A Not as an expert in toxicology, the common way I'm qualified is an expert interpreting what the alcohol level means. Half the cases we do involve alcohol, either the unnatural deaths and homicides and often we're asked to interpret the, not to do it, I'm not a toxicologist, absolutely, I'm not an expert in toxicology, but I think all forensic pathologists have to be experts in interpreting drugs in the body. Is it enough to cause death.

An example, we do an autopsy and the result can come back high level of barbiturates or no barbiturates and yet from the history of the autopsy we determined he died by a barbiturate overdose. The toxicologist would say how can you diagnose a barbiturate overdose. Because we do the autopsy, we see that over the five days he was in the hospital, the barbiturate overdose that brought him there got metabolize. By the time he dies, he has no barbiturates in his body, even though the cause of death is a barbiturate overdose.

There is a difference between what the toxicologist is an expert in finding the marijuana, absolutely, I don't do those tests at all.

MS. ALIZADEH: Do you disagree they are

experts in how drugs affects the behavior or how drugs affect the human body?

A Yes, that's how the drugs affects the body is a medical knowledge, not a toxicologist. And the reason I'm a forensic pathologist, certainly in New York get qualified to talk about that is because the judge decides hey, you're an expert in finding that it is a .02 or .5 or .3 alcohol, but we're going to have the doctor interpret what that means.

And I think a pharmacologist is a little different, a pharmacologist gets more into the affects of the body, but toxicologists are trained in chemistry. And the smart ones get to know about the affects on the body, but not from training, that's just from common sense, as I'm talking from common sense.

MS. ALIZADEH: Does anybody have any questions?

: Doctor, I seen that each person in medicine not two plus two is four, every person is different.

A Yes.

Maybe 12 nanograms of marijuana is not enough for her, but it is enough for me and I got a big reaction. We don't know what

happened when Mike Brown, we don't know if he took those 45 nanograms an hour before and that's the reason he tried to fight with the police, we don't know.

A Yeah, I agree very much it affects people differently.

You can't say that not happen because it is impossible the amount of marijuana he has in his body. I'm sorry,

A No, no, no, you bring up an important point. That the same amount of a drug affects people differently. And I'm just saying in my experience, I've written books about drug abuse, drug abuse in general beyond from my experience with heroin addicts and alcoholics in treatment programs and I'm just, I just think that if somebody on ectasy or was having hallucinations on LSD might fight with a police officer. Somebody on heroin would go to sleep before fighting with a police officer, somebody on marijuana, I haven't, it affects people differently. I think the chances of somebody taking marijuana and fighting with a police officer and just explaining it on that basis, that might be relative for other reasons why he fights

with a police officer, but that's not been my experience.

I'm not an expert in finding marijuana, but I think I'm an expert in dealing with people who have spent a lifetime in smoking marijuana in these different programs.

MS. ALIZADEH: Do you have any information about Michael Brown's history of drug use?

A Not specifically, but I think the answer that was being brought up is that, you are better at me in this, what were people saying, how was he acting before this episode would be a better indication of affects of marijuana because marijuana doesn't let you spend the day doing what you always do and then suddenly pop off and do something very different.

If you are on marijuana and you are going to act out, you do it right away while it is at its peak. Then they can do things, but that would be my experience.

MS. ALIZADEH: So that's just based on your experience?

A Yes, and my reading of the literature on that.

: Going back to when you first

started the testimony today, you said the Brown family attorney reached out to you, what did they specially ask you to do or in what role did they ask you to take?

A Yeah, the person who reached out was the attorney and he said the Brown family, I specifically remember this because it is not surprising in some way. That the mother and the father, it's now been a week, they don't know why their son died and they had other questions. And they're concerned that they might not, they have been told it might be weeks or months before they are given any information while it is being completed.

So they wanted an autopsy largely to find out what, why the son died except besides reading speculations in newspapers. And also I find out when I sat down with the family, I came, I sat down with them first, what all families do they want to know, did my son suffer, you know. Did he die right away, and that was the issue.

The issue wasn't did he get shot by the police because that was pretty obvious, but the issue was what happened, how many times was he shot, did he have pain and suffering because that was the

issue. And principally because they thought they weren't going to be able to get this any other way, to this day they haven't gotten it any other way.

MS. ALIZADEH: Let me interrupt here. So, Doctor, you're unaware, I imagine, that my office did provide a copy of the Medical Examiner's Report in late October to the family's attorney?

A I didn't know that, I thought that the family's attorney October, that's not far, I was told that they had a copy from the St. Louis Post-Dispatch or something.

MS. ALIZADEH: Well, so you are basing this on stuff that other people have told you, correct? So if I were to tell you our office provided an official copy of the Medical Examiner's report in late October to the attorney for Michael Brown's family, whether the attorney gave it to Michael Brown's family or not, I have no information about that, but you're unaware then that we actually provided that report to the attorney in late October, correct?

A Until about a week or two ago.

MS. ALIZADEH: Late October, it is now the 13th.

A Yeah, I didn't realize, I wasn't told

that.

MS. ALIZADEH: And in your experience as a medical examiner in the State of New York, I imagine there were a good number of cases that you were involved in that involved criminal investigations, correct?

A Yes.

MS. ALIZADEH: You understand the need at times for an autopsy findings to be kept, not made public initially while an investigation is still ongoing, would you agree that there is a, might be a need or a reason that investigators might not want to disclose that type of information?

A Yes. It might be valid or not. As a medical examiner, see we are put in the middle, medical examiners should be an independent scientist.

Dealing with patients, our concern is when we do autopsies, we are doing for the family and for the society in general, we always have to relate to the family. I spent a few years in internal medicine before going into pathology and that's what's important.

So I have found in New York that many times when there have been encounters with

correction officers in jail, we had riots in jails and encounters with police, that the sooner you're able to tell the family what happened, remember we do an autopsy and 95 percent of the information is obtained within the day of the autopsy. We then wait for the toxicology, histology, which is usually not necessary legally.

Somebody shoots somebody or gets in a car accident and is drunk, we'll call that a homicide, for example, a homicide. They wait on the autopsy report that we don't, that we don't wait for everything to come through. Even though that every shooting, every homicide there is a toxicology on, but if somebody was shot yesterday, they'll come out tomorrow and tell you what the cause of death is even though everything is not completed.

So just from my experience as a chief medical examiner is that the sooner that this information is given out, it calms everybody down because one of the things I saw happening with the family here and many other families, whenever somebody dies in an encounter with the police, they immediately often don't trust the police. And then if the medical examiner doesn't release the finding right away they feel, as happened here, that the

medical examiner is covering up for the police, and that has to be dealt with. As a physician, I have to deal with that with the family.

Now, sometimes it's a value to not release information because you are going to get information, you don't want people to know what happened and you don't want people to make up stories.

MS. ALIZADEH: For example, I saw the police officer stand over Michael Brown's body and shoot him in the back, in the head as he laid face down in the pavement, that couldn't possibly have happened based upon your findings, correct?

A That's correct.

MS. ALIZADEH: So wouldn't it be important that maybe those findings would be withheld from the general public so that witnesses who may come forward and report having witnessed this incident, the police may be able to determine the veracity or credibility of that witness if they report something that we know the findings do not support.

A Yeah, that can happen. However, see in the old days the way we did things was the mantra is you got to find, interview all the witnesses, knock on doors, telephones, whatever in the first 48

hours. And you got to get all the stories locked down in the 48 hours and that was the police mantra, or shoe leather.

Now oftentimes we're going to wait a little bit until all the DNA and the other tests come through before we interview people during the time they can also make up stories.

In answer to your question, I think that if the procedure is to interview people right away, and then the autopsy findings can be released within two or three days after that, it covers both bases. I just think in my experience with families, that the transparency in situations where families don't trust what's going on.

When we have seen riot situations in New York City, in Harlem, or specific ones, I'm thinking about the fact that we said yes, the death of the innocent person was caused by a police bullet and not by one of the snipers. Immediately calms things down. They are going to continue, they know we're not going to cover it. I don't know, that's my feeling as a physician.

: I'm trying to stay on topic. I have a question for you and I know we have a time crunch as well. In regards to, we have been here

quite awhile already, my question is going back to the question I just asked you. You kind of explained why the family reached out to you.

A Yes.

: So it seems to me when they reached out to you, you started an investigation of your own, would you say that's truthful?

A Yes, within my expertise.

Sure. In addition to your role as a forensic pathologist to examine the body, you began investigating on your own; is that correct?

A Well, that was primarily what I did was examine the body and they asked certain questions about his death.

So how did you do that investigation, outside of examining the physical body, how did you investigate?

A That's my investigation is examining the body and finding out from the family what kind of medical problems the person may have had and any history that would be pertinent to interpret the autopsy findings, but it was essentially doing the autopsy.

: You said you found a leaked

copy of an autopsy?

A Say that again, I'm sorry?

You said you viewed a leak autopsy, how did that come to you?

A I think the lawyers send me something from the St. Louis Post-Dispatch.

: Is that a credible resource?

A No.

: Okay.

A I didn't get the autopsy until yesterday but I was leaked, there was an autopsy leaked. I think I may have even gotten it from the internet. An autopsy was leaked, it looked pretty good. I couldn't rely on it until I saw it yesterday when it was given to me by the medical examiner's office.

You viewed this leaked autopsy report prior to your autopsy of the body?

A No, no, there was no autopsy. I spoke to , the chief medical examiner, who I have known for quite a while, and been told I was doing it. We invited anybody from the office to come down to see. I think it is always better if the person that does the first autopsy is also present at the second autopsy to make sure everybody is on the same page. We invited them down, they couldn't come

down.

I was hoping to speak with her about the results of the first autopsy when she got authorization from the prosecutor's office, we didn't have that conversation.

: I'm sorry, I don't think my question was answered, I can rephrase it. Did you view the leaked autopsy prior to conducting your autopsy?

A I thought I answered it. There was no leaked autopsy until a couple weeks ago. There was no autopsy, I didn't review any autopsy findings prior to my autopsy and the autopsy leaking I'm talking about was from two or three weeks ago.

Sure. So you said you got things off the internet?

A I got the leaked autopsy on the internet.

: Okay. So you never searched the internet for any other information?

A No.

You provided us a lot of information today then, I don't believe someone could just evaluate based on looking at a body. You made assumptions that his hand was in the car, I don't know how you would have known there was a car

unless you are just looking at the body --

A I read the newspaper.

: Let me finish. You said there were drops of blood on his hands and socks that had to have come from his hand. You said that you knew he knew he was bleeding, Michael Brown, when he left the car. You said you've heard all kind of distances that the shooting occurred, you said that he, Michael Brown, could have been treated and survived if he received immediate medical attention.

I mean, these are all things that seem to me to be assumptions or things that you've gathered from either talking to other individuals or looking on the internet and doesn't to me seem factual or based on your role as a forensic pathologist.

A An autopsy can never be evaluated in a vacuum, we always have to have other information that we get from various sources. Somebody falling out of a window will have the same injuries, whether he was pushed, whether he jumped and committed suicide or whether he fell accidently. No autopsy can interpret all by itself because all kind of different reasons why injuries can occur.

What I receive, the information I

received initially was what the lawyers had told me and what I read in the New York Times about, you know, rioting in Ferguson. I don't get stuff off the internet. I got the autopsy report, which is just three weeks ago or something, but I think it is unreliable, I agree with you, until you get an official one.

I read about the disputes that were going on. I read about how there was a leak about the FBI reporting that there was Brown's blood DNA in the car. I could say that that injury to the hand was consistent with that, that's all, not that it happened that way, but other people are doing other investigations in their expertise.

Any autopsy report, hospital, medical examiner, forensic has to include lots of other information, some of which are gotten from police, some from lawyers, some from family. None of which can automatically be adopted as true just to see how it correlates with the autopsy report.

: I just asked, you know, we're all here to find the truth.

A Yes.

We are just trying to figure out what is fact and what is written on the internet

or in a newspaper, we are here for the truth.

A I'm not, I'm not, what you call it, relying on the internet. The reason I mention the internet is because when the autopsy report was, we've been waiting, the family has been waiting for the autopsy report and finally there was an announcement that the autopsy report had been released. And talked with the lawyer and said it wasn't released in the normal course, it was what he called leaked through the St. Louis Post-Dispatch.

He sent it to me and I read it, you know, it looked good but it's still, as you said, I'm not going to rely on it as being the true thing unless I knew it was the true thing. And there were other things you mention that the clothing, for example, I saw the clothing. I examined the clothing, and the drops of blood on the clothing and sometimes we can find droplets of blood to be very useful in our examination and it showed that it was coming from above the pants and down to the floor and that the only thing I could find that would go along with it would be the cut in the hand.

Yeah, as far as some things are, yes, I rely, I'm assuming certain things are correct, which may or may not be correct. Distances may not

be correct, how he was behaving may not be correct, and your ability to gather information of what his actions were and how he was behaving in the hours before this episode is the best indicator of the affects of marijuana than what I'm raising, you know, in different forms. But I just think that medical examiners always have to take other things into consideration.

And the best example of that, the biggest obligation we have is to issue a death certificate. And the medical examiner, coroner's job that he's responsible for, he or she has to certify the name of the person through various means, make sure it is the right person on the death certificate.

Cause of death and manner of death.

Cause of death we find from the findings at autopsy, gunshot wounds, heart attack, cancer. The manner of death, natural, accident or suicide, we are always relying on other people's information.

Falling out of the window, was he washing the window at that time depends on some other information that may or may not be reliable. So the manner of death, the accident, suicide,

homicide, always faces the problem that you raise.

MS. ALIZADEH: Doctor, you are not a blood spatter expert?

A That's correct.

MS. ALIZADEH: And you know you testified that in your opinion the blood on the pants and the socks came from the hand because it came from above and dropped downward?

A Yes.

MS. ALIZADEH: Wouldn't you agree with me that the injury to the face, gunshot wound that traveled through the face, lacerated the eyebrow area, it ruptured his eyeball?

A Yes.

MS. ALIZADEH: If he were in this position, blood could have spattered from that facial injury onto his shorts and socks; is that right?

A It's possible in the seconds before he fell to the ground that could have happened, some of that could have happened, yes.

MS. ALIZADEH: You can't tell when those spatters happened, correct?

A Other than there were lots of spatters, that they have been in between his getting an injury

and to his falling to the ground and he couldn't have gotten that much blood on his pants and socks just from a bullet wound that enters the scalp, went through the eyeball, some blood can come out and collapses to the ground. If he was standing after that shot, then with his head bent over it could have happened.

MS. ALIZADEH: And you indicated also that if that hand wound, which you said was bleeding excessively, I'm sorry?

A Bleeding, bleeding.

MS. ALIZADEH: Bleeding a lot you said?

A Bleeding a lot.

MS. ALIZADEH: Bleeding a lot. But at any rate, the injury to his forearm, okay, the right forearm?

A Yes.

MS. ALIZADEH: We don't know when that occurred, if that occurred up at the car, if that occurred sometime later in the incident, correct?

A Correct.

MS. ALIZADEH: If that occurred up at the car, that injury could have been the source of the blood spatter on his clothing, correct?

A If his blood is in the car, comes from the

car and his blood is on both on his pants and is like, yeah, it could have covered, following the injury to the hand in the car, yes.

MS. ALIZADEH: So, I mean, you really can't conclude anything from the fact that other than the blood that was on his shorts and socks came from the body of Michael Brown and that they came after he had been injured by a gunshot wound. Injured with a gun, is that fair to say?

A I think I agree with everything you say. I think also that the only way I could correlate it if it came from the hand, but that would be my opinion. It could come from any part of his body that was bleeding long enough for that blood to come out, yes, I agree with you.

MS. ALIZADEH: And if there are witnesses that say when I saw him get shot they saw blood spray come off his head?

A Yeah.

MS. ALIZADEH: That could have caused the spatter that was on his socks and his pants?

A Yeah, I think the witnesses saw blood spatter when the head was struck would be consistent with what happens when somebody's shot in the head with a bullet, but very little spatter occurs there

because blood could have come out, but it wouldn't cause all of the blood, it could cause some of the blood.

MS. ALIZADEH: Okay. Go ahead.

: You did say that the hand wound, I guess because of the way it is superficial or the way the bullet would have hit it, it would have bled more?

A Yes.

Compared to the --

A To the bullet hole, yes. I think the issue that somebody brought up was even bullet holes quickly, the elasticity quickly closes up for a little bit, so you get some blood. You see it in a rapid camera that some blood comes out, not as much that comes out of the cut surface of the hand. Bullet wounds in the hand is, this one is like a cut wound, it didn't go in and seal up, it is a long graze so that a lot of blood vessels were exposed in the hand and caused bleeding.

: I have a question, I'm kind of curious about the original autopsy, so you did get a chance to see it?

A I saw the photographs from the original autopsy. Most of these are the ones you looked at,

the police took.

: Did you ever see the report?

A Then I saw recently the report, the autopsy report, yes.

So how did the one that you said that was leaked, how did it compare to the original one that you saw.

A It was the same, it was the same. The leaked autopsy report was the same as the final one, but as was brought up, it is not as reliable. Sometimes things get leaked and changes are made, but in this instance the leaked autopsy was the same as the official autopsy.

I have two questions. We have heard testimony from two different agencies that have performed autopsies. We had St. Louis County and the Department of Justice or the Department of Defense. They both come in and go over their autopsies in great detail and their findings. Is there any reason that we should question the validity of those, of those findings?

A Well, I think, I'm not sure. I know what I seen in the autopsy report from St. Louis County. I haven't seen anything about the federal autopsy report.

As far as I could see with the St. Louis County autopsy, the findings are the same. It is the interpretation we get into that can differ depending on experience and other things.

For example, whether or not the bullet wound in the clavicle or up by the shoulder by the collar bone is a reentry or not. As a forensic, we can disagree forensically, doesn't make any difference in the scheme of things, except it ads a bullet that struck the body.

So from my experience, I would interpret it as a reentry wound rather than an entry wound, but it really doesn't make any difference in the overall interpretation of what happened.

I don't know if, I think as far as the toxicology goes, I think the issue that was brought up by the attorney was that there are toxicologists who are very good at finding toxicology, and an interpretation of how long the drugs last in the body. They are very good how long the drugs lasted in the body, for example. And that would have, uh, what do you call it, many more importance than a medical examiner's interpretation, but I think that the point you are in a position to do much more than we can is finding out his behavior

during the day.

If marijuana has caused his behavior to be different than usual, that can best be determined by other observations by people that you've taken testimony from during the day and marijuana if I smoke it now, if I start acting bizarre it would be very quickly.

You know, if I'm normal behavior for the next four hours, I'm not suddenly going to do something to act differently when the level of marijuana has gone down considerably, that's all.

: My second question is, we can agree you're a pretty high profile person, and you've been in the news and on the news and interviewed a lot, do you recall a conversation that you had with when you mentioned to her that the presence of marijuana in Michael Brown could have led him to act crazy was the actual word that you used?

A I did say that, yes, it can, but it is unlikely. And the sentence we are talking about it would be right away and it is unusual, but it can in the whole spectrum. Most people wouldn't have too much affect on, some would have a very soothing affect, you know. Medical marijuana and things like

that can make people feel better who are dying of cancer and things like that, and some people can act very unusual and crazy, but that's very unusual. But I think you got it right.

: Thank you.

MS. WHIRLEY: Anybody else? You know we have a copy of the Department of Defense and we have a copy of St. Louis County. I'm still baffled by what you see, I don't have anything that shows me in writing so we can compare what, what your findings are. So what are the differences?

A Well, number one -- I mean, we are already after 12.

A That's okay. I know number one, that I'm giving you an opinion in great part depends on what I saw yesterday. I couldn't give an opinion, as I said a long time ago, until I saw the autopsy photographs, what the body looked like before the autopsy was done, you know, which these photographs that you see are all from that time, which are very significant.

I couldn't see the x-rays, the clothing, were all important to me in arriving at

particular opinions.

As far as the autopsy, and then I will now write a report, but I couldn't write it yesterday, I will write a report on the basis of my finding.

As far as I could see from the St. Louis report, I don't know the other report, we agree with everything except that reentry wound.

: You agree with everything except the reentry?

A In the autopsy report is there, I don't know what the testimony has been, but is there something particular that you think --

No, and that is my question. My question is, you have made statements to the press about how your findings are different than ours and now --

A I have not made such statement.

: So the press is wrong?

A Of course. I am told one thing, I'm told that the USA Today had an article about me. I have no idea what it said, but I find often, especially in forensic, that what they say they often misconstrue things.

I know.

A So if you are referring to articles I haven't seen, I can't answer that. I'm telling you that the only thing I said to the press was initially, way at the very first day, I did the autopsy and the next day the family had a press conference. And I said as a basis of my findings, I find no evidence of powder on any of the gunshot wounds and that they were all distant, beyond one or two feet away at the time of discharge.

Now, yesterday, I looked at slides, I looked at things and sure enough, I looked at pictures that one photo shows it nicely to me of the hand that there is powder and I indicated at the time you recall very careful to say that, these are preliminary, these are not my final opinions. And if I get more information, and essentially I didn't get that much information until yesterday, when I went through the thing, but I would think that yes, I was mistaken. There is powder, gunshot powder on the hand.

But, and I think that the only thing that's different was whether we both agree that there was a gunshot wound in the back, one was in the back, the others were in the front, there is no difference.

: The reason I ask that is because you did mention you got some of your information from the New York Times. I just wanted to point out for the record the information that we do get from the media can be skewed. There is very little that's correct about it. So I just wanted to make sure that you know.

A You're absolutely right, but the information I get you see is different kind of information is a lot of turmoil in Ferguson, there are people making all kind of charges. That there's a problem with the interpretation, that's the information that I get.

I don't get, I did say that if, in my opinion, if the leaked report that there's blood from Brown in the car, then that would be good evidence that his hand was in the car. Then that would be good evidence at the time he was bleeding, that kind of thing, if. But all the ifs canceled out when I see what the work was. I agree with you, what's in the newspapers are not reliable.

: Malarkey.

A They are not reliable for forensic work and the news media, if you haven't figured out, like to create problems. It isn't to say A, B and C,

everybody says A, B and C, that's not news. But to say he says A and he says Z, that sells newspapers.

: One other question and then I promise no more. Do you do every autopsy you are asked to perform for a family?

A No, no.

So what's the determining factor.

A The most important factor is will the autopsy make a difference. Is it important, is it important, because often families want autopsies out of curiosity and that may be okay, but I wouldn't go out of the way to do such an option. I do about, I do many less, I'm asked to do lots of autopsies and I will do the autopsy where I think that an autopsy or re-autopsy would be significant for the family or for the society.

When we do autopsies on homicides, we have two things, one is the family and two is society. Society has a right to know what happened to somebody who's murdered and how to prevent it or catch the bad guy to do it. So that we have both of those and sometimes that comes into conflict as the prosecutor said that sometimes telling the family, which is important, comes in contact with the

investigation from the public as far as giving information out to the bad guy to make up stories or something.

MS. WHIRLEY: Just for the record, and this is it, it is not really a question. You had mentioned that there was one shot from the back and I didn't want it to be misconstrued that you were saying he was shot in the back, you are talking about you talk the forearm.

A Back of the right forearm, yes.

MS. WHIRLEY: Okay, all right.

A Can I just mention that, as I say, this isn't my first rodeo in Missouri, I've been here before, I've investigated, I just recently, a year or two ago, talked to the St. Louis Major Crime Unit, which works with Illinois, nearby Illinois. I spent a lot of time in Columbia, Missouri investigating unexplained deaths in the Harris S. Truman Veterans Hospital, I've been involved with a number of investigations in veteran hospitals where medical personnel may have intentionally killed patients.

And I've lectured to the Missouri Highway Patrol and things like that. We always, medical examiners are coming to some jurisdictions,

always work under the guise of being carpetbaggers, and to a certain extent we are carpetbaggers coming from away, but I've been accepted in other situations as reasonable in Missouri.

So I hope what I may have may have sounded unreasonable isn't as nutty as it might sound. It is just after 50 years in this business, one isn't afraid to give opinions.

I'd like to know if you know, what is the reason that a lawyer from Michael Brown's family don't give you official copy of the autopsy, why what is the reason?

A This is the first I've heard. I don't speak frequently to the lawyers, this is the first I heard that they were given the official autopsy before it came out in the St. Louis Post-Dispatch.

MS. ALIZADEH: I didn't say it was before it was leaked, I just said it was in late October.

A I think I heard the I got the leak copy somewhere around late October also. I didn't know that, I'll ask them. If I've been under the assumption that the family, it wasn't released. Normal people can't interpret autopsy reports once the autopsy is released, you need a physician to interpret what it all means, all the different

organs and bodies and medical terms.

So I expect that once it was released, I would be asked to explain it to the family and I wasn't asked to explain it to the family until later on.

Giving you the copy is not released to the press, it is a lawyer, who has the official copy. What is the reason they don't give you the copy, I don't understand that?

A I don't know, I'll have to ask him.

: It don't seem correct to me, but that is my opinion.

MS. ALIZADEH: Let me clarify, Doctor, where did you get, I know you said you saw the copy on the internet?

A No, I said probably. I got a duplicate copy was sent to me.

MS. ALIZADEH: Do you know who sent it.

A I think it was an attorney or it was a newspaper reporter wanting me to comment on it or something. It was emailed, something was emailed to me. I think it was from the reporter, from the attorney, but that was from St. Louis Post-Dispatch release, which I agree with the gentleman, it is interesting, I'm not going to take it as gospel.

: Did Mr. Brown's parents ever say in your questioning of them that he had like a childhood behavior problem or anything like that?

A He did not. I spoke to the mom and dad. One of the questions I wanted to know, the purpose of the autopsy is any surgical or medical conditions, and as far as I was told, was perfectly healthy. I know sometimes families, especially when they're grieving, just say that and without necessarily thinking about it or anything. So as far as I know, as I stand here today, sit here today, as far as the autopsy and toxicology would show, I see no evidence of prior medical conditions or that he was under any treatment for medical conditions.

: Thank you.

MS. WHIRLEY: Anything else? I think that's it, Doctor. We appreciate you coming.

(End of the testimony of Dr. .)

MS. ALIZADEH: Good afternoon. It is November 13th, 1:05 p.m. We took actually a really nice short lunch break. So we have our next witness here is ready. Previously, I said we would maybe play her taped statement first because she was

eating lunch, but she's done. We'll go ahead and put her on and then play her statement, it is about 20 minutes.

I also did tell you, I can't remember if it was Tuesday or Monday, but one of the grand jurors, do we know if , the physician's assistant, had said she had taken a sample that was then going to be tested.

So I informed you that we had those results and that they were negative for drugs and alcohol. I asked if you wanted me to call somebody to testify about that, you indicated you didn't need a witness to say that it was negative.

I'm going to just pass out copies of those reports so you can review that, Grand Jury Exhibit Number 96.

(Grand Jury Exhibit Number 96 marked for identification.)

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of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q At this time I'm going to ask the court reporter to pause the recording, and then he will continue to take down what's being said.

Could you state your name, please?

A

Q And, can I call you

A Yeah, sure.

Q The reason, one of the things that as the foreperson said when he swore you in and the second part of the oath you seemed a little confused about. What he said was in taking that oath, you have to promise not to talk about what we talk about in here today.

A Okay. I kind of figured that's what it was.

Q After you leave here or even the fact that you were here and testified, shouldn't be mentioned to anybody, okay?

A Not even my employer?

Q You can tell your employer that you were subpoenaed to the grand jury, but the fact that you gave testimony about what you saw and everything, it is best that you just not say anything, okay?

A All right.

Q And because of that and the nature of your eyewitness testimony, the court reporter is taking down what's being said. I had you identify yourself and do you spell , **A** Yes, I do. **Q** common spelling? **A** Yes. **Q** And then what's going to happen here is in a moment we're going to begin the audio recording again for you to tell what happened. **A** Okay. **Q** But because we're going to keep your identity unknown to the general public in the event that this gets released at a later date. **A** Okay. **Q** We are going to refer to you after we begin the recording, we're going to refer to you as Witness Number 64, okay? **A** Okay. **Q** I will try to avoid using your name or anything like that. Also, before we start the recording, we don't want you to necessarily disclose anything that might be, somebody might be able to figure out who you are or where you live or anything, so I'm

never going to ask you your address. You can just say the general location of where you live, I live in the City, I live in North County, I live in South County, I live in Illinois or something, okay?

A All right.

Q And then also, just for the sake of them understanding, before we begin the recording, on the day that this happened, you were in a car with some people; is that right?

A Yes, ma'am.

Q And who were you with?

A My mother, my dad and my sister and my .

Q Okay. And your dad is ?

A Yes.

Q And your mom is ?

A Yes, ma'am.

Q And your sister is

A Yes.

Q And your , ?

A .

Q Okay. And so when we begin the audio part of this again, if you could just refer to my mom, my dad, my sister, rather than using their names, it will help us not to have to like go back later and

try to take that out, okay?

A No names.

Q All right.

MS. ALIZADEH: So . Court Reporter, if you will start that again.

Q (By Ms. Alizadeh) Okay. Ma'am, you previously identified yourself, to the grand jurors, and how old are you?

A I'm

Q And whereabouts do you live?

A In .

Q Did you grow up in ?

A Yes, ma'am.

Q Okay. You're here, you're aware that you are here because you were in the Canfield Green Apartment Complex on August 9th and witnessed something; is that right?

A Yes, ma'am.

Q And do you live in the Canfield Green Apartments?

A No, ma'am.

Q Did you ever live in the Canfield Green Apartments?

A No, ma'am.

Q What were you doing there that day?

A I was on my way to go visit
.
Q So were you in a vehicle when you witnessed something?
A Yes, ma'am.
Q And who was driving the vehicle?
A My mother.
Q And was there anyone else in the car with you?
A My dad, my sister and
Q And , we have already said, , correct?
A Yes, ma'am.
Q And is your sister an adult?
A Yes, ma'am.
Q And so do you recall about what time you drove into the Canfield Apartment Complex on that day?
A No, ma'am.
Q You said you were going there in part to visit, you were going there to visit ?
A Yes.
Q Does she live in the complex?
A Yes, ma'am.
Q Have you been to her apartment in the

past?
A Yes, ma'am.
Q And, ma'am, I'm going to show you a map, which is marked Grand Jury Exhibit Number 25. And can you see it from where you are sitting there if I put it here?
A As a matter of fact I can. It is marked with a number, .
Q Okay. So you see a number of a building that says
A Yes, ma'am.
Q So just in general, do you recognize this to be the streets and the buildings that make up the Canfield Green Apartment Complex?
A Yes, I do.
Q So when you drove into the complex that day, did you come in from the east side or did you come in from the west side? Do you remember what major street you were on?
A West Florissant.
Q So if West Florissant is over here. (indicating)
A Okay.
Q You can't see it in this map?
A Uh-huh.

Q So from West Florissant you turned onto Canfield Drive?

A Yes, ma'am.

Q And did you begin to drive into the complex?

A Yes.

Q Okay. And here is a laser pointer.

A Okay.

Q So if you press that right there you can see, it will put a red dot on the map.

So just with that red dot, show me the apartment where you were going to?

A Right there. (indicating)

Q And so when you were in the vehicle, what kind of vehicle is it?

A A , .

Q You can't remember the make?

A No, I can't.

Q So your mom was driving and your dad was where in the car?

A He's in the passenger seat.

Q In the front?

A Yes, ma'am.

Q Where were you in the car?

A I was right behind my mom.

Q And then what about your sister?

A She was sitting next to me right behind the passenger seat, right behind my dad.

Q Okay. And then how about , where was ?

A was sitting behind me.

Q ?

A Yes.

Q The seat that's in the , is that a seat or is it seats?

A It is seats.

Q And are they right next to each other or is there a space between the two seats?

A There is some space.

Q So there's nobody that sits in that middle part?

A No,

Q And so when you, and your mom was driving; is that right?

A Yes.

Q Do you recall what you were doing right before you heard or saw something that drew your attention?

A Playing Candy Crush.

Q And were you playing on your phone or on a

different device?
A On my phone.
Q Do you recall what everybody else in the car was doing, your mom was driving, right?
A Driving, I think the rest of us might have been on different devices just playing games, I don't know. I was playing Candy Crush.
Q Okay. So were you playing just on your phone or were you and your sister playing together?
A Just on my phone.
Q And so as you came into the complex, was it, you recall this being a Saturday?
A I couldn't tell you. I don't remember exactly which day it was.
Q Okay. Do you remember it being light outside?
A Yes, it was daytime.
Q And sunny, not raining or anything?
A Yeah, sunny.
Q When you came into the complex, where was your mom's vehicle when you first heard something?
A Right here, about right here.
Q So you have the laser pointer on Canfield Drive, correct?
A Yes, ma'am.

Q Which direction was your car going?
A It was pointed this way. We turn right up on this lot.
Q So your vehicle was traveling, if I run my finger along here?
A You know what, it might have been this driveway. We went around behind some buildings.
Q Let's focus on where you were when you first heard shots.
A Okay.
Q At some point did your mom then try to turn around?
A Yes, she turned up onto a lot and we went behind some buildings.
Q Do you know is it, did you go up around here, did you go around here, do you know when your mom finally turned around did she make a left or a right, did she totally turn her vehicle around in the roadway?
A She didn't turn around in the roadway, we turned up on the lot and went behind some apartment buildings and came out on the other side.
Q So just to try to figure this out when you, after the incident, did you ever drive past the police vehicle or the body?

A After the incident, we didn't like drive directly past it, it was like down the street some.

Q Okay.

A Yes.

Q This Coppercreek Road actually goes around some buildings?

A It might have been there. Yeah, there's the park right there, the park, yeah. We were sitting right next to the park. There was a lady standing next to us. She was walking down the street, I'm sorry, it was that driveway we came up.

Q Okay. This driveway?

A Yes, ma'am.

Q So now that you've kind of familiarized yourself a little more with the map, where do you think your mom's car was when you first heard something?

A I guess right here, right before we got to the driveway. (indicating)

Q Okay. And so what is it that you heard?

A I heard pow, pow, we're trying to determine whether it was firecrackers or gunshots.

Q Okay. Do you remember if the car windows were up or down?

A Um, I'm guessing that they were down. I

can't really remember. There's only two windows that are let down in the van and they are two front windows. I don't remember if they were up or down.

Q Okay. So you didn't hear anything that drew your attention before you heard pow, pow?

A No, ma'am, I didn't hear any arguing, I wasn't --

Q Screaming?

A No.

Q Yelling?

A No, don't remember any of that.

Q Okay. So when you heard pow, pow, did you look up from your game?

A Yes.

Q And what did you see?

A I saw a bunch of people standing around everywhere. I saw Mike Brown take off running. I didn't really know him.

Q You said you saw Mike Brown take off running. Did you know Mike Brown before that day?

A No, ma'am.

Q So you just now know that that was Mike Brown, correct?

A Yes.

Q Had never seen him or met him?

A Never seen him or met him. I only know his name because of the news.

Q Okay. So when you look up, what's the first thing you see as you look straight ahead. Could you see through the car windshield?

A Yes, ma'am.

Q Even though you're sitting directly behind your mom, you could still see through the car windshield?

A Yes, I could.

Q What did you see when you looked straight ahead?

A When I looked straight ahead, I saw him running and I saw the officer chasing him, that was the first thing I saw.

Q Was he running toward your car or away from your car?

A Away from my car.

Q When I say he, I mean Michael Brown?

A Away from my car.

Q Can you use the laser point and show us where he was when you looked up and saw him running?

A I guess he took off right here. When I saw him take off running, he was about right there. (indicating)

Q Okay. He was running away from you, so he was running east?

A Yes.

Q Did he stay in the street or did he go into the grass or sidewalk?

A He was in the street.

Q So when you first saw him, was he standing still or was he running?

A He was running when I first saw him.

Q So his back was to you when you first saw him?

A Yes.

Q And then how about the officer, could you recognize him immediately as being a police officer?

A Yes, he was in uniform.

Q Okay. And do you recall was he standing still or was he running or doing something else when you first saw him?

A When I first seen him, he was not, he was standing still and then he took off running after Mike after he starts running.

Q Did you notice a police vehicle in the road?

A We were sitting not too far from one, I can't tell you whether it was facing us or facing

away from us though.
Q Okay.
A I don't remember.
Q So you didn't see whether he was in the vehicle or getting out?
A I didn't see none of that.
Q So when you first saw the officer, he was actually outside of the vehicle?
A Everybody was outside the vehicle.
Q You already heard two shots at that point?
A Yes, ma'am.
Q And so then you saw Michael Brown, the man we know now as Michael Brown?
A Uh-huh.
Q Run away from you?
A Uh-huh.
Q He was running when you first saw him?
A Yes, ma'am.
Q And then when you saw him, could you tell at that point if he had any injuries on his body, did you notice any blood or anything?
A No, ma'am. I didn't notice anything.
Q When you first saw the officer and you said he was standing, did you notice a gun?
A Yes, he had drew his gun then.

Q Do you recall what hand his gun was in?
A No, I think he had both hands on it.
Q Can you show us how he had the gun?
A I remember him holding it like this right before he took off running.
Q Okay. So for the record you have both hand together?
A Yes, ma'am.
Q And your elbows are straight and your arms are extended out in front of you?
A Yes, ma'am.
Q About shoulder height or chest height?
A Yes.
Q So did you, when he had his hands out in front of them like this, before he started running, did you see or hear him fire any shots? (indicating)
A I can't recall. I think he started running first.
Q Okay. So when he started running, did he keep his hands in this position or did his hands drop and him run, or did he run like this? (indicating)
A I can't really remember all of that.
Q Okay. So did the officer run after

Michael Brown, so away from you?

A Yes, ma'am.

Q What did you see happen then?

A Mike got about to the corner and then he turned around like he was giving up and he started coming back towards the officer. I really don't know what was going on at that point. I seen him get shot a couple of times and he hit the ground.

Q So now you said Mike ran to about the corner.

A Yes.

Q Can you use the laser pointer and show us where the corner is that you saw him run to?

A I'm guessing it was right here, around right there. We was sitting right here, he didn't get too far before he turned back around. (indicating)

Q Okay.

A He might have got back to about right there. (indicating)

Q So when you say he ran to the corner and then he turned around, is this the first time then that you can see the front of him?

A I couldn't really see him. I was a distance away.

Q Okay.
A But yes.
Q So from what you could see, did you notice if he had any blood on him or anything like that?
A I didn't notice any blood on him.
Q Did you see anything in his hand, either when he was running away or after he turned around?
A No, ma'am.
Q And you said that he turned around as if he was, I think you said as if he was giving up?
A His hands were up at first and when he turned around and then he started moving forward towards the officer.
Q All right. Can you stand up so they can see you clearly. Demonstrate for us, turn your back so that, show us how he turned around and what his hands did?
A Um, I guess it was like he stopped and he turned around like this, and then he started moving towards the officer and kind of looked like he picked up a little bit of speed, and then he started going down.

He was holding his chest when he went down, his hands was up here on his chest. (indicating)

Q Okay. So I am going to describe this, you can sit down. So, for the record, when you turned around, you said he put his hands up like this? (indicating)

A Uh-huh.

Q I'm going to describe that you have your hands about shoulder height; is that right?

A Yes, ma'am.

Q Out to the sides of your body, bent at the elbows?

A Yes, ma'am.

Q Fingers pointing towards the ceiling?

A I guess.

Q And palms forward?

A Yes, ma'am.

Q Okay. And so then you said, then he started to move toward the officer.

A Yes.

Q And you said you thought he began to pick up speed?

A Yes.

Q So if you can try to think or guesstimate or imagine how many, are you good at judging distances, like 10 feet, 20 feet, such as that?

A Kind of. Estimated that he might been

around 8 feet away from the officer.

Q When he turned around?

A No, when he fell.

Q Okay. Was he more or less than 8 feet away from the officer when he turned around?

A He was a little bit more than 8 feet from the officer when he turned around.

Q So when he stopped and turned around, did the officer continue to run toward him or did he stop or did he move in a direction?

A There was a point where the officer stopped running after him. I think he had stopped by the time he turned around and was just standing in one spot.

Q Now, when the officer took off running after Michael Brown, until Michael Brown stopped and turned around, did you hear or see the officer fire his gun as he was running toward Michael Brown or after Michael Brown?

A I heard a whole lot of shots.

Q Okay. You heard a whole lot of shots?

A Yes.

Q And you think they were from the officer?

A I'm pretty sure.

Q Okay. Now, you know, you talked to FBI

agents yesterday and U.S. attorney named and a woman named , right?

A Yes, ma'am.

Q And you had actually made a statement to the County Police back in August when they first came and talked to you; is that right?

A Yes, ma'am.

Q And do you recall when you first talked to the police you said that Michael Brown had gotten shot in the leg and in the hip as he was running away?

A I thought he was.

Q And so now yesterday you learned from the people that were talking to you that there's no injury to Michael Brown's hip or leg, at least a gunshot injury, correct?

A Yes.

Q So does that make you rethink about what you saw, them telling you that?

A Yes, ma'am. It made me think I really don't know what was going on. He made body movements which made me believe that he was shot in the leg or in the hip.

Q Okay.

A The way his body gestured, I don't know.

Q So you say back in August that you thought he got shot in the hip and the leg was based upon how his body moved or jerked, or something like that?

A Yes, ma'am.

Q You didn't see --

A I didn't actually see it.

Q You didn't see a bullet go in him?

A Didn't see it.

Q Didn't see blood in those areas?

A No.

Q Now, did you ever see Michael Brown, his flip flops come off as he was running?

A He had on flip flops?

Q Pardon me?

A He had on flip flops?

Q Did you ever see him come out of his flip flop as he was running?

A I didn't see what kind of shoes he had on.

Q If someone were running and their flip flops come off while they're running, could you see him like stumbling when you thought maybe you saw him getting hit in the hip and the leg?

A It might have been.

Q Okay. But you now know he wasn't shot in

the hip or the leg?

A Yeah.

Q Okay. And so when he stops and you say he turns around and he has his hands up like this and then he starts to move toward the officer, did you hear anybody say anything?

A I couldn't hear anything.

Q Okay. And how much does he move toward the officer in feet?

A He was about 8 feet away from the officer.

Q Okay. But for Michael Brown to stop and then move forward, how far forward did he move toward the officer or in steps if it is easier, he took so many steps?

A I can't really tell you exactly how many steps he took.

Q Okay. But you said it looked to you like he was picking up speed?

A Yes, when he turned around, he took a couple steps and he might have been stumbling or I'm not sure exactly what he was doing.

Q Okay.

A Not too long afterwards, he fell to the ground.

Q And so did you, after he turned around,

did you hear or see gunshots after he turned around?

A There were a lot of gunshots.

Q Okay.

A I think so.

Q All right. And so as Michael Brown was moving toward the officer, did the officer stand still or did he move back and forward?

A I don't believe I seen him move.

Q Okay. And so if they were 8 feet apart, which is, I don't know, can you give me an idea?

A Like maybe from this table to that table, maybe a little bit further.

Q And that's how far they were apart when Michael Brown turned around?

A No, he was a little bit further when he turned around, he came back to about that distance.

Q Okay. So then you said as he was running, you said his hands changed?

A Yes, ma'am.

Q Okay. And I know you said that he grabbed his chest or something?

A Yeah, he had his hand folded in like this. (indicating)

Q Do you know which hand it was?

A I couldn't tell you, I'm sorry.

Q Okay. And you have your hand at about your chest area?

A Yes, ma'am.

Q Okay. It wasn't down here across his abdomen? (indicating)

A Maybe.

Q Okay.

A It might have been.

Q Okay. I know that it's difficult to go back and try to recall.

A It all happened so fast.

Q Okay. Can you give me an idea from the time you first heard the two gunshots until he, you saw him fall on the ground, can you give me an idea how much time elapsed?

A I want to say 10 minutes, 15 minutes.

Q 15 minutes, from the time that you heard the two gunshots until he fell on the ground?

A It might not have been that long.

Q Okay. 10 minutes or 15 minutes is a pretty long time?

A Yeah. Maybe eight minutes, something like that.

Q Okay. And so after you saw him fall on the ground, did you hear or see any more gunshots

being fired?
A I don't recall.
Q Okay.
A I remember seeing a lot of people sitting around screaming.
Q So you saw other people in the area?
A Yes.
Q Did you see other cars around?
A There was a lot of other cars, a lot of other people, everybody was standing outside everywhere.
Q You said there was a girl next to your car?
A Yes, she was walking down the street, right there by the park, right here around the park area.
Q Did you see where she walked to?
A As a matter of fact, she stopped right next to the van. I didn't see where she went after that.
Q Was she an adult or a child?
A She might have been high school age.
Q Was she African-American or white?
A African-American.
Q Can you describe her hair?

A I can't remember.
Q But she was on foot?
A Yes, she was on foot.
Q Was she alone?
A Yes.
Q Did you ever see another young black male that was around that area where the police car was and where you first saw them?
A No, I don't remember. I saw a lot of people around, but I don't remember seeing anybody around, police car. I don't remember seeing anybody there other than Michael Brown.
Q Now, with the four of you in the car and you saw some or part of this?
A Uh-huh.
Q Did you all talk about it?
A Yes, ma'am.
Q Is it fair to say that you all were kind of like freaked out like right then when it happened?
A Yeah.
Q Was it upsetting?
A A little bit.
Q Afterwards, did you all, your mom and your dad and sister, kind of talk about what you saw?

A Yes, we did.
Q And in doing that, did you realize that you all kind of saw different things?
A Yes, we did.
Q Okay. But your dad and your mom and your sister, they were there to see it?
A Uh-huh, yes, ma'am.
Q After speaking to them, you realized that?
A We had different points of view.
Q And different recollections of what you saw?
A Yes.
Q Do you know the officer that shot Michael Brown?
A No, ma'am.
Q Do you have any police officers in your family?
A No, ma'am.
Q Are you friends with any Ferguson police officers?
A No, ma'am.
Q Okay. How about Michael Brown's family before that or after that, did you know Michael Brown's family?
A No, ma'am.

Q Since then have you become friends with anybody in Michael Brown's family?

A No, ma'am, not that I know of.

Q Okay. And I actually subpoenaed you for you to come in today; is that right?

A Yes, ma'am.

Q You didn't want to come in?

A No, ma'am.

Q And you told me you didn't want to be involved in this; is that right?

A I really don't remember a lot, you know. I wasn't very sure of a lot.

Q Okay. Sheila, do you have any questions?

MS. WHIRLEY: Yes.

You talked to, I guess, the police back in August, August the 21st, does that sound about right?

A Yes, ma'am.

MS. WHIRLEY: And your recollection was better then than it is today?

A Yeah, it was a little bit better.

MS. WHIRLEY: And they actually taped your statement; is that correct?

A Yes, ma'am.

MS. WHIRLEY: Recorded it. Did you record

this incident at all on your phone or anything?

A No, as a matter of fact I didn't. It happened so fast, I didn't even think to do that.

MS. WHIRLEY: Do you know anybody who has a recording of it?

A No.

MS. WHIRLEY: You said you first heard two shots and then you notice Michael Brown taking off running and the officer chasing after him?

A Yes, ma'am.

MS. WHIRLEY: Was the officer shooting at him while he was chasing him?

A There were a couple of shots fired.

MS. WHIRLEY: While Michael Brown's back was to him?

A While they were running, yeah.

MS. WHIRLEY: And then you said when you turned around he had his arms up, was it as if he was surrendering?

A Yeah, like shoulder high.

MS. WHIRLEY: Like giving up?

A Yeah.

MS. WHIRLEY: That was your impression. When you said he had his hand on his chest, started going down, was the officer shooting at him when he

had his hand on his chest?

A I want to say, yes.

MS. WHIRLEY: Whatever you said in your statement was fresher then?

A Yes.

MS. WHIRLEY: Um, I don't know if this was asked, did you ever see Michael Brown with a weapon?

A No, ma'am, I didn't.

MS. WHIRLEY: Did he ever look like he was trying to get a weapon when you saw him?

A I only saw him running, I didn't see anything in his hands.

MS. WHIRLEY: That's all I have.

MS. ALIZADEH: Any questions?

: So it was just the five of you?

A Yes.

: Were there any other people, were there animals in the car, were there anybody else?

A You know what, we might of had a couple of dogs in the car.

: Where were they sitting?

A On the floor.

What did everybody do when

they started hearing the shots, did they move around in their seats, did they change position?

A No, not really. We heard the shots, we sat there for a second to determine whether they were shots or not.

: Okay.

A And then we turned up onto the parking lot to get away from the drama.

: Okay. And was your father sleeping when this started?

A I don't know. I don't know. I wasn't looking at his face, I was sitting behind him. He might have been.

: Okay. Was scared?

A Well, yeah.

: That's all I have.

MS. WHIRLEY: I forgot one thing. You mentioned that when he turned around and was coming back towards the officer, did you know whether he was stumbling or running?

A That's what I couldn't determine whether he was running or stumbling, I couldn't tell. I don't know whether he was charging or falling because he hit the ground not too long afterwards.

MS. WHIRLEY: Okay. That's all.

Did you ever see a young man with Michael Brown?

A No, ma'am, I couldn't tell whether he was with somebody or not. When I saw them, they were actually in the middle of running. I didn't see him talking to anybody or anything.

When you are sitting in the seats or whatever in the seats there.

A Yes, ma'am.

: In the . On that particular type of vehicle, the side arm rest.

A Yes, ma'am.

: Are they moved, can you move them up and down?

A Yes.

: So then you have a clear, where you can swing your legs over or lean over?

A Yes, ma'am.

: Okay. Thank you.

MS. ALIZADEH: Anyone else?

(End of the testimony of .)

MS. ALIZADEH: We just took a break in between or after that last witness. It is

2:01 p.m., and at this time we still have a couple of witnesses to try to get through this afternoon, but at this time I'm going to pass out a transcript and we are going to play the tape recorded statement from the last witness. It is about 20 minutes long. I will tell you that in our, in my questioning of her, I believe you all understood me to say she was interviewed yesterday by federal agents, and I did get a copy of that interview last night. It won't play, I've contacted County Police, they have a copy and their copy won't play.

I don't know if I will have a copy of that interview from yesterday or not.

So at this time we're just going to hear the interview from August 21st, 2014. And this is contained on Grand Jury Exhibit Number 24. I'm going to pass out a transcript, so you do not need to transcribe. If you will pause the recording and then we'll get started.

(Playing of the interview of Witness 64.)

MS. ALIZADEH: It is 2:23. We just concluded listening to a taped statement of a witness. And the next witness I'm going to call is , who is an investigator at my office. And he had a conversation with someone in relation

to this case, so he's going to testify about that. So we'll pause right now, I have to tell we're ready for him.

,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Would you state your name and spell it for the court reporter?

A ,

Q And now, sir, the grand jurors are acquainted with you because you've been assisting me and them with their comings and goings on the day that they are in grand jury; is that right?

A That's correct.

Q They probably know you as

A Some of them may now, have known my name. They certainly knew who I was.

Q And so what do you do?

A I'm a criminal investigator. I'm assigned, I work for the prosecutor's office. I'm assigned to a team of attorneys to assist them in their investigations and to fill in from time to time with other attorneys as is needed.

Q Am I am one of your attorneys that you assist in my cases?

A You are.

Q Okay. And you've been doing that for quite a while?

A Thirteen years.

Q All right. And so ever since, well, shortly after I got this investigation, I from time to time have asked you to help me with things or do things in regard to this grand jury investigation; is that right?

A I've been given assignments, yes.

Q And one of the things that you have been helping me with all this time is to arrange for witnesses, their transportation, meeting them downstairs, getting them upstairs, you had to run out and get lunch or food for witnesses in the past, so that's one of the things I've asked you to help me do; is that right?

A Yes, that's correct.

Q Okay. And back in early October, did I talk to you about that we needed to get transportation for a witness named ?

A Yes, for him and his mother.

Q I explained to you that is years old?

A That's correct.

Q So his mother was going to be coming with him?

A That's correct.

Q Did I tell you that we needed, that there was a special request or something special about the two of them being transported here?

A Right, the mother was and had . So we had to deal with trying to get transportation to assist her primarily in getting her and her son in here.

Q So we were looking at whether or not we had to get a special van, or whether she could come in a regular cab and you were looking into that for me; is that right?

A Van, Call A Ride, Metro, just a number of different possibilities and how to set that up and how to make the arrangement.

Q And I told you that she had informed me , that she needed to have the transported?

A That was the other issue, yes, not only her, but you know, her primary mode of mobility we could get that and had that brought with her as well.

Q Do you recall that sometime before we actually brought in to testify, do you recall me coming to you and telling you that had informed me that he actually didn't see what he had told the police he had seen?

A You relayed that information to me, yes.

Q Okay. And you and I and Sheila Whirley had discussions and have had discussions in the past about whether or not if witnesses say they didn't see anything when they previously had made a statement that they saw something, whether or not we were going to bring that witness anyway and testify?

A Correct.

Q And have them say they didn't see anything?

A That is correct.

Q Okay. And we talked about doing that in this case, but we talked about the fact that because

there were, there were unusual transportation needs with s mother, that I asked you to just call and try to do a telephone interview with him?

A Correct.

Q And so did I give you the phone number to contact

A Right, you gave me the mom's name, s name and the phone number.

Q Okay.

A And when would be the best time to get ahold of them, when would be home from school, and in order to facilitate speaking with him on the phone.

Q Okay. Did you contact by telephone?

A Yes, I did.

Q And what day was that?

A It was on October the 13th.

Q Okay. And just for you grand jurors, if you look back on your notes, prior to this date I had already played for you a recorded statement that the police had taken from And so when you spoke on the phone, did you identify yourself as an investigator for the

prosecutor's office?

A Yes, I did.

Q And did you talk to about whether he actually saw what he says he saw?

A Correct, I asked him to explain to me what exactly occurred that morning.

Q Okay. And then after this, did you tape that telephone conversation?

A I did.

Q Okay. And after you had finished that telephone conversation, did you realize that it actually had not recorded?

A The first phone call with him, yes.

Q Okay. Did you call him back and ask him to go over that with you again?

A Right. I explained that there was a mistake on my part, that I wanted to record the call and it didn't happen. If he would be patient with me, I apologize for having him have to explain to me once again what he had told me ten minutes earlier. And he acknowledged he was okay with that, so we again talked about it a second time.

Q The second phone call was actually recorded by you then?

A Correct.

Q And you then burned that call onto a disc for me?

A Yes, the next day.

(Grand Jury Exhibit Number 97 marked for identification.)

Q (By Ms. Alizadeh) I'm going to show you Grand Jury Exhibit Number 97?

A Yes.

Q This disc, is that your handwriting on there?

A Yes, it is.

Q Is that the second phone call that you did?

A Yes.

Q And now you wrote on here 10/14/14, is that the day that you talked to him?

A It was the day I burned the disc.

Q Okay. So you actually spoke to him on the 13th?

A Correct.

Q Okay. So in this second phone call with him, did he reiterate what he had said in the first phone call?

A Yes, he did.

Q Did anything change in his statement from

the first phone call to the second phone call?

A No, it was all the same.

Q Okay. So at this time I'm just going to play Grand Jury Exhibit 97. It is about a 15 minute long conversation. And so if you would pause the recording, I do not have a transcript. So if you can take it down, please.

(Playing of the phone interview of Mr. and following is a transcription of that interview.)

: Hi, Ms. , this is from the prosecutor's office.

Yeah

I'm sorry, if I could talk to again?

: Hold on

: Thank you.

: Hello.

: Hi , it is again. I'm sorry to bother you, but I was asked to record the conversation and I didn't do that the last time.

Yes.

: I do have a recorder on now and it is recording our conversation. I was

wondering if we could go through it again?

: Okay.

: What you had already told me?

: All right.

: I apologize for that.

: It's okay.

: This will be a little quicker since we have already gone over this once again.

, you explained to me you are years old?

Yes, sir.

Okay. And we're talking about the incident at Ferguson involving the death of Mr. Brown?

Yes.

Explain to me, you were at home on this particular day and you had been, you were inside the apartment, you and your brother left the apartment; is that correct?

: Yes, sir.

: Okay. And you live over on correct?

: Yes, sir.

: So then you and your brother left the apartment and what time of the day or morning was this.

: No, no, no, not , my street is .

I'm sorry, I got that wrong then.

: Yeah.

: Spell that for me.

: .

: .

: Yes, sir.

: Okay. So you and your older brother left the apartment and you went outside, and where did you go when you left the apartment?

: Well, we went from my house, went over the stone wall.

: There's a stone wall there at the circle?

: Yes, sir.

Okay. And what were you doing when you and your brother were hanging out there at the stone circle?

: (Inaudible.)

: And you were using your phone and Wi-Fi and going through Facebook; is that correct.

Yes, sir.

Okay. And so you're outside with your brother and you are doing what you're doing, what happens after or while you are outside?

: We hear gunshots.

: Okay. And you recognize them right away as gunshots; is that correct.

Yes, sir.

What was your thought at the time when you heard that?

Somebody's shooting a gun in the air like they always, like they do once in awhile.

: Okay. That's something that you have heard before in the past; is that correct.

Yes, sir.

Okay. And so when you heard this, what do you and your brother do?

: We sit and think should we be quiet for a second.

Uh-huh.

In case they go shooting again. We sit back down and go back to Facebook.

: So you go back to Facebook and you go ahead and you do that and then what happens after you go back to Facebook?

A little later we hear three or four more gunshots.

Okay.

Then that's when we got up, start walking up the street. We join them and walk up the street with them.

Okay. When you say you walked up the street, are you talking about the street that you live on ?

No, the street that Michael got shot on.

Okay.

It is a long street. The street is from West Florissant all the way down to

: Okay.

: The end of .

: Okay. So where you and your brother were sitting at when you heard these gunshots, you couldn't, could you see what was going on?

: No, sir. It's a building in Canfield that blocks it. You really couldn't see anything until you actually got around that corner, around the corner of that building.

: Uh-huh.
: You couldn't see.
: Okay. And after the second set of gunshots, you and your brother, there were other people that started walking over towards that way?
: Yes, sir.
: Okay. And that's when you and your brother got up and walked with them?
Yes, sir.
Okay. And I believe you already told me, what's your brother's first name?

Okay. How old is ?
.
So he's years older than you?
: Yes, sir.
: So then you and get up and you are walking with these other people. And then tell me what you see or what happens after you get up and you start walking with these people?
: We see other people walking and then when we get to where he got shot at, you could see a body laying there, but you can't really

tell who it is.

Right.

We are walking up on it where he got shot when I got close, I (inaudible). He stays up the street, his grandmother's house is across the street from my house. So he stays from my little cousin's house.

You were familiar with Mr. Brown?

A Yes, sir. I knew his cousin.

: Okay. What is his cousin's name.

:

:

: Yes, sir.

: Okay. So you knew them from the neighborhood?

Yes, sir.

And you see, at the time you didn't know who it was, you see this person laying down in the street. And then what else do you see in the street?

: I see flip flops.

: I'm sorry, I couldn't hear you?

: You could see his shoes.
: Oh, that's better, okay. You said you saw a police vehicle somewhere?
: Yeah, it was like in the grass.
: It was in the grass?
: Yeah, then they moved it and put it in the street.
Okay. When you got up there, was there something that kept you from walking around or getting close?
Yeah. They had a traffic tape going around two trees and the vehicle and the car.
When you got there, was there yellow tape already up?
Yes, sir.
It was. Okay. You are getting a little hard to hear again with the phone.
: My fault.
: That's all right, you're fine. So you get there and you see what you saw and there's some yellow tape that keeps you kind of away from things. And then what happens after you get up there?

: It is like people are just standing around looking.

: Uh-huh.

: I could see two police officers in the street talking to each other.

: Okay.

: And then after that, more police officers came.

Okay.

And then after more police officers came. The crowd of people got bigger and bigger and kept getting bigger.

Okay.

And more police cars started coming, they got so far that they had run the canines out too.

: Okay. And at some point in time they did something different with the tape; is that correct.

Yes, sir. They took the tape down and they put it and they made us walk back farther and put the tape back further from the body.

They had you all back up a little further away, but you could still see what was going on?

: Yes, sir.
: Okay. And you had mentioned before at some point in time his mom came by?
: Yes, sir.
: And --
: His mom and his dad came by.
: What did you hear the conversation to be?
: His dad was mad.
: Uh-huh.
: His dad was angry, screaming, why y'all do this, why y'all do this, and then his stepfather came.

Right.

His stepfather was mad too, like you didn't have to do this to my son and all of this.

I understand.

He got there, he was mad, people were like, no, don't try to fight them. He was like (inaudible.) They finally got him, they took him in the house. They made him leave for a little while. They didn't want him to get mad, walk off or go back a little bit. (inaudible)

When mom first got there,

she was asking people, what was she asking people?

: What happened to my son?

: Right, okay. And then there were people talking about, you heard people talking about what they, what had happened?

Yes, sir.

Okay. And at some point in time, you had told me earlier that there was an older person that came by and can you explain to me again what that older person was saying or asked you or was asking?

: The older person, he said, do you know anything? Come talk to me about it, don't talk to the police or anybody.

Okay.

(Inaudible.)

Right. And then at some point in time the police later came to you and asked you about what had happened, correct?

Yes, sir.

Okay. And had you told them that you were inside your apartment and saw what happened from your window?

: No, no.

: You didn't tell the police

that?

No, I saw the people came to the house after that happened people came, I didn't know anything. The day before I really thought, okay, I'm going to do it today.

: Okay.

: That's (inaudible). And tell me what you know.

Was that the conversation that you had with the people inside the car?

Yes, sir.

Okay. And I had asked you this before, but I'm going to ask it again.

, has anyone, you know, pressured you or threatened you or made you any promises of any kind about talking about what happened?

A No, sir.

Okay. you understand that if you wanted to, we could, you know, you could come here and you could talk to the grand jury and explain to them what you saw that day, do you understand that?

Yes, sir.

If you wanted to do that, you certainly, we would certainly make sure that you can

have that chance?

Yes, sir.

What you would tell them, would that be any different than what you've told me on the phone today?

No, sir.

Okay. Because, you know, we would certainly afford you that opportunity just like we have with other people.

: Yes, sir.

: And, again, you had talked before, you know, somebody had mentioned to you about a subpoena and to come and talk to these people; is that correct?

: Yes, sir.

: Okay.

: And then she called back, they said they wasn't going to do that any more. She said it was a possibility that they might end up doing it, but they never did.

That's correct. There was a possibility, we weren't sure how things were going to proceed and it was certainly, certainly a possibility, but we didn't know for sure how things were going to go.

: Yes, sir.

: Okay. All right. I think that pretty much covers it. I apologize for having to go over this again.

That's all right.

That was a mistake that I made and so that's why I called back and once again, I thanked you before, I just thank you again for your time. I appreciate, you know, dealing with this and explaining to me exactly what you saw or what you didn't see.

: Yes, sir.

: All right. Again, thank your mom and tell her I appreciate all of her help as well.

All right.

All right. Listen, thank you very much, , have a good evening.

: You too.

: All right. Bye-bye.

: Bye.

(End of the phone recording.)

MS. ALIZADEH: We just concluded the playing of the conversation between and . Does anybody have any questions of

, now is your chance.

All right.

(End of the testimony of)

MS. ALIZADEH: This is Kathi Alizadeh, it is November 13th, 2014, it is 3:04 p.m. We just took a brief break. We are resuming this afternoon with a new witness, not a new witness, a returning witness, but since it has been several days or weeks since he testified, I'll go ahead and have you sworn in.

,

of lawful age, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories, propounded as follows, to-wit:

EXAMINATION

BY MS. ALIZADEH:

Q Could you state your name, please?

A .

Q And where are you employed?

A I'm a detective with St. Louis County Police Department.

Q And you've previously testified before this grand jury in relation to the investigation

into the shooting of Michael Brown, correct?

A Yes, ma'am.

Q Okay. And you testified previously just on the issue of having been present during the interview of one of the eyewitnesses to this incident, a ?

A That's correct.

Q So for this afternoon, what I'd like to do is explain to the grand jurors how this investigation began, the scope of the investigation, and how it progressed over time. And we have some demonstrative pieces of evidence that we're going to show them and then, of course, Sheila will ask questions, the grand jurors will ask whatever questions that they need to ask you to explain how the investigation proceeded, okay?

A Okay.

Q So back on August 9th of 2014, you were a detective in the Crimes Against Persons Bureau?

A Yes, ma'am.

Q And that was a Saturday, correct?

A It was.

Q Earlier that day, do you recall where you were, were you working?

A I was.

Q Where were you earlier?

A I was directed to respond to St. Anthony's Hospital for a robbery with a potential barricaded individual in a hospice portion of the hospital.

Q And so about what time did you, were you on call that day or were you on duty already when that happened?

A I was called about the time I was scheduled to come on duty, which was 8:00. It may have been shortly before 8:00, sometime around 8:00.

Q Sometime around 8:00 a.m. you proceeded to South County to the hospice care facility at St. Anthony's Hospital?

A Yes, ma'am.

Q And did you remain on that scene until sometime after noon on that day?

A I did.

Q And at some point in the day, you know what, let's back up, let me back up.

So can you explain for the grand jurors how your, how the Crimes Against Persons Bureau works.

In other words, how many supervisors, how many detectives are in a squad and so forth?

A Sure. The unit consist of one lieutenant

who is the commander, and then there are four sergeants who supervise various specialties within the Crimes Against Persons Unit.

There is the child abuse unit, there's the family crime or domestic violence unit and then there is the homicide, robbery, sexual assault, you know.

One supervisor is responsible for supervising detectives in each of those units with the exception of the homicide, robbery, sexual assault unit.

There are two supervisors and two squads of detectives. There are seven detectives on one squad and eight detectives on the other squad. One squad works during the day, one squad works during the afternoon for the homicide, robbery, sexual assault aspect.

Q So typically a squad would be on-call or working for 12 hour shifts; is that correct?

A Eight hour shifts. One squad usually works from 8:00 a.m. to 4:30 p.m. and then the second squads usually works from 4:30 p.m. to 1:00 a.m.

Q Okay. If there is an incident that occurred that is not during the hours that either

squad is working, are detectives always on call?
A We are always subject to callback, yes.
Q So you indicated you were, you believed you were already scheduled to work that day when you went in at 8:00 a.m.?
A I was, yes, ma'am.
Q And then there was a call about an incident occurring up in Ferguson; is that right?
A That's correct.
Q So when you were up, when you were down in South County at the St. Anthony's Hospital, was your supervisor present on scene?
A He was.
Q Were all of the detectives from your squad on scene at St. Anthony's Hospital?
A All of them, no. Most of them, yes.
Q All right. What about other units from the St. Louis County Police Department. Were there other units down in South County at St. Anthony's at the time?
A There were.
Q The TAC unit was there?
A They were there.
Q Were there any other squads there from Crimes Against Persons?

A Several detectives from the other squad, which would have been the squad that had been working on the afternoon shift the previous evening had been called in early, roughly around the same time, 8:00 a.m. to assist with the investigation at St. Anthony's.

Q And were there a number of uniformed patrolmen that were also at the scene on that morning?

A I couldn't say how many, but there was quite a few, yes.

Q Okay. So this was an incident or something that was bigger than the ordinary that was occurring down in St. Anthony's that day?

A This was a significant event, yes.

Q Significant?

A Yes, ma'am.

Q Okay. And so at some point were you notified that your supervisor or someone else had been notified that Ferguson was calling St. Louis County to assist in an investigation of an officer involved shooting?

A I was.

Q Were you still down at St. Anthony's when you heard about that call?

A I was.

Q And at this point, had the incident at St. Anthony's resolved or was it wrapping up or was it still ongoing?

A It was still ongoing.

Q And so what happened when you learned that there was a call for assistance up in Ferguson?

A Essentially a skeleton crew of detectives from the bureau of Crimes Against Persons remained at St. Anthony's and the remainders of the detectives got in their cars and drove up to Ferguson.

Q So drove directly to Ferguson?

A Directly.

Q So you didn't stop and get any riot gear or anything that might be necessary for, you know, dealing with an unruly crowd?

A No, ma'am.

Q Were you advised that you were needed for crowd control or were you advised that you were needed to assist in the investigation or to take over the investigation?

A We were made aware that the Ferguson Police Department was requesting St. Louis County conduct an investigation into the incident. And so

our sole purpose for going up there was for the investigation aspect of it.

Q Okay. Were you aware that Ferguson, prior to them requesting the County take over the investigation, were you aware that Ferguson had called St. Louis County as well as some neighboring municipalities for the purpose of crowd control?

A Initially, no.

Q Okay. You now know that; is that right?

A Yes, ma'am.

Q Okay. About what time did you arrive up in Ferguson?

A About 1:30.

Q And did your supervisor arrive up there as well?

A About the same time, yes.

Q And how many detectives from your squad were up there?

A About ten.

Q And now, so that's more than your squad, correct?

A It is.

Q So there were about ten County detectives on scene?

A Yes.

Q Did you observe a number of Ferguson police officers on scene?

A I did.

Q Did observe a number of St. Louis County uniformed patrolmen on the scene?

A I did.

Q So when you went up there that day, you and all the other detectives, as well as your supervisor, were you wearing police uniforms or were you dressed in street clothes?

A Street clothes, shirt and tie.

Q And did you, were you wearing a bullet proof vest?

A Initially, no.

Q So describe for the grand jurors the scene when you arrived on Canfield on the 9th?

A Sure. I drove up by myself, however, other detectives were arriving at the same time in their vehicles. I came in off of West Florissant and drove east on Canfield. I was unable to drive even into the apartment complex itself. There was quite a few cars, police cars and police officers and then a crowd of individuals who blocked my way.

So I parked, I think it is 3000 block of Canfield, and walked up to the scene, as did most

of the other detectives who were arriving at that time.

Q So when you turned onto Canfield Drive off of West Florissant, initially you're in a single family home, residential area; is that correct?

A That's correct.

Q So the place where you said you had to get out and walk, can you see it on the map, which is Grand Jury Exhibit Number 25?

A It would have either been 3027 Canfield or possibly even beyond 3720 Canfield to the west, so further off the map.

Q So from when you got out of your car you walked on foot, where did you go on to?

A I walked up and contacted the other detectives from my unit who are arriving on the scene and then we made brief contact with Chief from Ferguson Police Department who was already on the scene.

Q About what time was this when you arrived?

A About 1:30.

Q And at this time, was your supervisor on the scene?

A I may have arrived a few minutes before him, all within a relatively close period of time.

Q Okay. Now, at that time was the body of Michael Brown still lying in the street?

A Yes.

Q Was he covered with a sheet at that time?

A Yes.

Q Did you see any emergency vehicles that were nonpolice officers vehicles at that time firetrucks, ambulances or anything of that nature?

A In the scene itself, no. I couldn't say outside of the scene, there may have been.

Q Okay. Was the scene already taped off when you got up there?

A It was.

Q And you said there were a number of people on foot, or pedestrians that were in the area?

A Correct.

Q Can you describe how many and what the mood or the, what was going on when you got up there?

A Sure. The area was essentially taped off using yellow crime scene tape.

Q You can use this laser pointer.

A For example, if you look here at Building 18, and you look at Building 17, the tape would have been draped from 17 to 18. And then I believe from

17 up to the north and then again from Building 5 across this general direction where Canfield Drive and the circle area of Canfield Drive meet, and then down roughly, again, down around to Building 18.

Now, if a building was able to be used, sometimes vehicles were used, sometimes trees were used, or signs, whatever was available to secure the area.

Q To affix the tape onto you mean?

A Correct.

Q Was Darren Wilson's vehicle still on the scene?

A It was.

Q Was his vehicle in the crime scene?

A It was.

Q And to your knowledge, was his vehicle in the same place where it was when he stopped the vehicle and eventually got out of the car?

A Yes.

Q All right. And so was there any discussion amongst your squad and your supervisor about how, well, how was it decided that you would be assigned to be the primary case officer on this?

A I volunteered. My caseload was at the time what I considered lower than the other

detectives who were working, so I volunteered to take it.

Q You said I'll handle this?

A Yes, ma'am.

Q So from that point on, are you directing the investigation?

A For the most part, yes.

Q And as the primary officer, do you get information from other detectives about what they are doing?

A Yes, ma'am.

Q And do you assign other detectives or other police officers tasks or responsibilities or duties in the investigation?

A Yes.

Q And do you relay information that you are learning to your supervisor?

A I do.

Q And so how long were you up at the scene that day?

A I would say I left roughly 7:00 p.m.

Q And you're aware that the shooting actually took place shortly, and I mean within minutes after the noon hour that day, correct?

A Correct.

Q And so, and you're aware that the body of Michael Brown actually laid on the roadway for several hours, as much as four or four and a half hours before it was eventually removed and transported to the Medical Examiner's Office, correct?

A Correct.

Q In your experience as a crime scene, well, as a detective, is that longer than usual?

A No.

Q Was there anything going on at the scene that inhibited or complicated the crime scene investigation that was going on?

A Absolutely, yes.

Q And what was that?

A The crowd who essentially was standing around the crime scene tape on all points was upset, they were yelling obscenities on a regular basis at police, they were threatening to kill the police.

At one point gunshots were fired from an area relatively close to the crime scene and I couldn't say exactly, but I would say it came from roughly this area right in here around Building 16 and 17.

There were people who were attempting

to breach the crime scene, meaning go under the crime scene tape for whatever reason. That happened on several occasions. It was a very chaotic scene. It was a scene that I had never experienced anything like that.

Q Now, you mention that when you got there, you didn't have a bulletproof vest on. Was there a decision at sometime for you and your fellow police officers to put on a bulletproof vest?

A After those gunshots were fired, we all returned to our cars where we keep our vest and we put our vest on.

Q Other than the vest, did you have any other protective gear, like did you have those riot helmets with the face shields?

A I did not.

Q Any batons that you were carrying?

A No.

Q Did you see other officers on the scene that were dressed in riot gear?

A Riot gear, no.

Q Did you see, and you've heard people talk about that there were dogs on the scene?

A Initially, no. As the incident progressed, yes, dogs were requested.

Q And I assume these are police dogs?

A They were.

Q And so officers have canines that they train with and that they partner with; is that right?

A That's correct.

Q Why were dogs requested to respond to the scene?

A In an attempt to secure the scene.

Q Okay. At about what time was it that the decision was made to request canine units respond?

A I couldn't say exactly, but at the time the gunshots went off we realized that we were dealing with a very volitate situation and request from several different units within the police department were made for assistance in securing the scene and in protecting the officers who were out there.

Q Now, we've already heard testimony from officers who were involved in processing the crime scene and in your, how many years have you been a detective?

A Roughly eight.

Q And how many homicides have you been a part, not the primary, but been a part of

investigating?

A It would be a complete guess, 60, 70, maybe.

Q So you're familiar with the job and the duties that a crime scene, or we call them the ID unit, you're familiar with what they do when they arrive at a crime scene, correct?

A I am.

Q And would it be fair to say that they, as the crime scene investigator, they consider that, that that's their scene to control, correct?

A Correct.

Q Did you make the decision on who was to be the crime scene detective in charge of that scene that day?

A I did not.

Q So how is it that that, we know that Officer was the primary crime scene investigator. How was it that it was decided that Detective would be the crime scene investigator?

A The crime scene detectives have areas that they are assigned and if an incident happens within their given area, typically they are responsible for that, however, the decision ultimately rests with

the crime scene supervisor to delegate out who is responsible for, for example, the Crime Scene Unit.

Q Okay. So you all just called for Crime Scene to respond and then they determine, the Crime Scene supervisor determines who is going to respond that day, correct?

A Yes, ma'am.

Q Okay. When you first arrived around 1:30-ish, was St. Louis County ID Unit on the scene?

A I believe they had just arrived.

Q And when you arrived initially, did you notice that there were cones that had been placed at various locations in the street and within the crime scene itself?

A I did.

Q Okay. Did you ever, prior to the Crime Scene Unit getting there and beginning their investigation, did you ever walk the crime scene?

A Before they began their investigation?

Q Correct.

A Yes, briefly.

Q Okay. Did you walk in the street between the vehicles, the officer's vehicle and the body?

A I did.

Q Did you see other detectives walking and

other police officers walking in the street and in that area?

A I did.

Q Okay. Now, is that something that is, well, given that the crime scene unit had not yet arrived to begin processing the scene or had not begun to process the scene, would that be something that in hindsight or is that something that shouldn't happen, people walking through the crime scene before it is processed?

A Ideally, no. In this particular instance, the scene was, obviously, an outdoor scene. There was a need to take an overall assessment of what the situation was at that point, and so without disturbing any evidence or without walking near evidence, yes. There was some walking that had taken place just to get an overall assessment.

Q Okay. And so at this point then Detective arrived and began processing the crime scene. Was his job interrupted at any point?

A It was.

Q While he was on-scene?

A It was.

Q And what happened that interrupted his job?

A Essentially the same instances that I had previously mentioned. The threats coming from the crowd, people trying to, as I said, breach the crime scene, meaning come under the tape and come into the crime scene and then, of course, the gunshots.

Q All right. Was this scene complicated because it was outdoors, just in general, does that complicate a crime scene?

A No, not necessarily.

Q Okay. So you believe that the primary factors that complicated your job on-scene that day was the crowd?

A Yes, I do.

Q Um, did you make any attempts, well, all right, so detectives, describe for the grand jurors then, once the crime scene was in the process of beginning their processing of the scene, what did you do to further the investigation?

A As I said, I originally spoke with Chief who indicated that the best person from the Ferguson Police Department to talk to would be Sergeant . I then went over and spoke with Sergeant , as long as with several other detectives that I worked with, and we again, had a brief conversation with Sergeant who indicated

to us, I'm sorry, who provided to us the information that he knew at the time.

And then from there based on the information that Sergeant had provided, we initiated the investigation.

Q So did Sergeant tell you that the police officer involved in the shooting was Darren Wilson?

A He did.

Q And now, did you know when you volunteered to take this assignment that the officer's name was Darren Wilson?

A I did not.

Q Okay. Are you in to Darren Wilson?

A Absolutely not, no.

Q After you learned that Darren Wilson was the officer involved, did you make attempts to see if there was ?

A I'm very familiar with in the St. Louis area, , no.

Q Okay. Have you ever met Darren Wilson?

A I've never met him.

Q Okay. And so did Sergeant tell you

what Darren Wilson had told him happen?

A He did.

Q Did you then assign detectives to go to a different location?

A I did.

Q Where did you assign detectives to go?

A I assigned Detective , also of the Bureau of Crimes Against Persons, to go to the Ferguson Police Department where officer Darren Wilson had driven to after the incident.

Q So you learned that Darren Wilson had gone back to the Ferguson station?

A I did.

Q And so what about, was there any decision to send a different crime scene investigator to go and seize Darren Wilson's weapon and to collect any other evidence he might need to collect at the station?

A There was, yes, ma'am.

Q Who did that?

A Detective .

Q Okay. So now did you remain at the scene and during this entire afternoon until you left around 7:00?

A I did.

Q And so was it from the scene that you were making decisions and directing various aspects of the investigation?

A Yes, ma'am.

Q And all along the way were other detectives contacting you or giving you information about what they were finding, what they were learning and so forth?

A They were.

Q Okay. And so when you were on the scene, Detective, did you learn that there were individuals who were residents or who had been down on Canfield that day who had scene some or part of the incident involving, between the officer and Michael Brown?

A Yes.

Q And were there, was there a decision to direct a couple of the crime scene officers to actually take, I don't know, I'm calling them perspective videos, do you know what I mean when I say perspective videos?

A I do.

Q Describe for the grand jurors what a perspective video is?

A The video simply consist of a, it is a video documenting where a person would have been

standing when a particular incident happened.

So, for example, if an incident happened in this room, my perspective would be from this chair right here, we would simply take video from the chair that I'm sitting in.

Q And so during your investigation and, you know, we know that this is a complex with several buildings, several units in each building. We know that the incident occurs, there's several yards in between the beginning of the incident and the furthest east portion of where the incident occurred.

And so did you learn that there were people in various buildings who had claimed to have scene part of this?

A I did.

Q Okay. And so during that afternoon, did you learn that there was oh, gosh, a woman named

who claimed to have scene something from, I guess, Building is that correct?

A That's correct.

Q And so did you ask, I can't remember which one is which, was it or was it that took the view from

A Detective took the view from

. **Q** Okay. So Detective went to 's apartment and took video from the apartment and looking down toward Canfield to see what someone standing there might be able to see, is that fair to say?

A Yes, ma'am.

Q So from her apartment Building and there's video that's shot down in that direction; is that right?

A That's correct.

Q And then Detective is also another crime scene detective that was at the scene that day, correct?

A Yes, ma'am.

Q What's his first name?

A .

Q Did he also take perspective video based upon what some witnesses had told you?

A He did.

Q And how many perspective videos did he take?

A He took two.

Q And from whose perspectives are these videos?

A and .

(Grand Jury Exhibit Number 99 marked for identification.)

Q (By Ms. Alizadeh) So I'm going to hand you Grand Jury Exhibit Number 99. Is that the perspective video that Detective took from 's apartment?

A Yes, ma'am.

Q And you now know at the time was living with , correct?

A Correct.

(Grand Jury Exhibit Number 100 marked for identification.)

Q (By Ms. Alizadeh) And then Grand Jury Exhibit 100, is that the video that Detective took from and 's perspective?

A Yes, ma'am.

Q These are fairly short. I'm going to play these right now for you.

MS. ALIZADEH: I'm going to turn the lights down so you can see it better.

This would be from 's apartment?

A Yes, ma'am.

MS. ALIZADEH: And she is in Building Number on the map?

A Building correct.

(Playing of the video.)

Q (By Ms. Alizadeh) Okay. That just shows the placard.

(Playing of video.)

Q Okay. I'm going to a certain point in this. So now, Detective , we've heard some testimony and I know you were not present for that, in your investigation you were also aware that there were some witnesses who testified that they were, I mean, witnesses who stated that they were actually by a dumpster. And this would be the dumpster and this could be the dumpster

A .

Q stated she was next to; is that right?

A Correct.

Q And there's no other dumpster along this area, correct?

A Correct.

Q And now this firetruck is right here. If this firetruck was not here, is there anything, I mean, I would assume that anybody looking from this

perspective would be able to see a little bit more into the roadway than what we're seeing because the end of this fire truck is in the way, correct?

A Correct.

Q So there's not another dumpster back there or anything like that?

A There is not.

Q Okay.

(Playing of the video.)

Q So now, Detective, we have heard testimony from witnesses about how their front entrances to the units would be right there and then there's like a wooden balcony with sliding glass doors and each two units share that balcony, correct?

A Yes, ma'am.

Q So is this perspective that we're seeing from 's apartment but on the, I guess, as you're looking toward Canfield, is this perspective, is this Canfield out here?

A Yes, ma'am.

Q So this, from this perspective, the person is on which side of the balcony?

A Would be the western, I'm sorry, eastern end.

Q Okay. And so from this angle, you see

this, this partition here kind of blocks your view looking farther down Canfield, correct?

A Correct. That partition would be the front of the stairway, you could say that you would see, for example.

Q Like right here? (indicating)

A Correct.

Q Okay. And we saw in the beginning of the video a letter E and F, those are the unit letters, correct?

A Yes, ma'am.

Q And the person taking the video just from there, from in front of the front door turns around and films what you can see from the front door, correct?

A Correct.

Q All right. I think this is just the placard again, but let as see.

So this clip documents the building, the address of s apartment?

A Yes, ma'am.

Q So she lives at

A Correct.

MS. ALIZADEH: Anybody want to see any of those clips again? They'll be available to you to

look at.

So I'm going to play some clips that are Grand Jury Exhibit Number 100.

(Playing of the video.)

MS. ALIZADEH: So now whose perspective is this?

A This would be .

MS. ALIZADEH: And the police car in the background there, that's Officer Wilson's car?

A Yes, ma'am.

MS. ALIZADEH: Is there a better way to play this? Am I not --

A Maybe with a different player, that's the only thing I can think of.

MS. ALIZADEH: So let me stop there. Can you see on the left side of the screen, there is a police car with flashing lights right here, is that right.

A That's correct, yes.

Q (By Ms. Alizadeh) And the body of Michael Brown is still on the scene at this time, correct or is it?

A No, ma'am.

Q Is where the body was to the east of that vehicle?

A It is to the west where --
Q From this perspective detective is what I'm trying to get at, if the body was there, could you see it in the street from this perspective?
A Yes, you could.
Q So it would have been someplace down in this area?
A That's correct.
Q And then the place where some witnesses have reported seeing him run to and then turn around, being at a corner near a light pole, from this perspective, can you see that area?
A No, you cannot.
Q Okay. And again, this is where would have been standing?
A Correct. I believe this is actually a moving shot moving to the east.
Q So the officer holding the video camera is walking is that right?
A Correct (playing the video.)
Q An this clip now is this again the officer walking from the perspective or ?
A Yes, ma'am.
Q I'm going to let it play again once it goes through one time it plays smoothly after that.

(Playing the recording.)

Is he on the ground or is he on her balcony?

A The individual taking the video?

: Yes.

A He's standing on the ground.

Oh, okay.

Q (By Ms. Alizadeh) So now this next clip we see is a building with the number ?

A Yes, ma'am.

Q Whose perspective is this going to be?

A .

Q And I took the pointer, but can you see what number the building is over there?

A Building .

Q So this would be?

A Building .

Q I can't see that far away, but this pointer goes all the way there.

A Yes, ma'am, that's correct.

Q So says he was in one of the front units on Building ?

A Correct.

Q Okay. My recollection is was he inside of his apartment?

A He was, yes.

(Playing the video.)

Q Is this clip inside 's apartment?

A It is.

Q So Detective from this vantage point you see the fire hydrant, which is right here on the corner of this little island; is that right?

A That's correct.

Q And then there is a partition, is that that wall that is in front of the staircases off of all of these units?

A Yes, ma'am.

Q If Michael Brown and the police officer ran in this direction, there's going to be a time where if you are standing here, this blocks your view, correct?

A There would be.

Q And then as the camera looks toward the east, well, that's looking toward the west we see Officer Wilson's car there, correct?

A That's correct.

Q And as it looks toward the east, you can see part of the roadway further down east on Canfield, right?

A Correct.

Q Can you see from that vantage point, can you see where the body came to rest?

A I don't believe so, no.

MS. ALIZADEH: Does anybody want to see any portion of those again?

: I just have a question. If the video of , the video from her view was on the ground, I can't remember, did you take any from her apartment?

A was originally in a car, she had pulled up to.

MS. ALIZADEH: Here you go.

: She was never in an apartment?

A No, ma'am.

: You were just doing her from her view. She was there to .

A Yes. She originally pulled up in the parking spot and pulled right here, exit her vehicle and we had one so that's why you see originally stationary shot but then the detective begins to move and he's moving in the general direction he was moving in.

: Okay.

Q (By Ms. Alizadeh) Now during your investigation, in the early days, now this all happened on the same day of the shooing; is that right?

A That's correct.

Q And at this point in your investigation, the FBI, the federal authorities were not involved in the investigation; is that right?

A That's correct.

Q But within a day or two you learned that the FBI was going to either assist or co-investigate with the County?

A Correct.

Q Was there some confusion between St. Louis County and the federal authorities what role they were taking or whether they were assisting you were you going to share information, and so forth?

A It took a little bit to coordinate the logistics of how the investigation would be run parallel to one another, yes.

Q And so the Saturday after the shooting, so one week from the time of the shooting there was talk or decision about the detectives going to the Canfield Apartment Complex and doing a canvas?

A We discussed that, yes.

Q What's a canvas?
A Essentially going to a given area and knocking on doors or meeting people walking through the area and asking them if they had witnessed anything that had taken place at a given time.
So, for example, in this particular investigation, it would have been for August 9th, the previous Saturday.
Q Okay. Now, had the County done some canvassing on the day of the shooting?
A Yes, it had, yes.
Q You had not canvassed the entire complex?
A We canvassed a majority of the buildings that would of had a direct line of sight to where the incident took place. Either being where the police vehicle stopped, or where we could say what would be the furthest point to the east right around here. Any building with a direct line of sight we would have made attempts to canvas.
Q Of course you're knocking on doors?
A Yes, ma'am.
Q If nobody is home, you note that in your report?
A Correct.
Q And if somebody is home and says I was at

work during the shooting, I didn't see anything, you note that, correct?

A We note that as well, yes.

Q If somebody says, yeah, I heard gunshots but I didn't see anything, you would note that?

A Correct.

Q And if there was somebody who says I saw what happened and I saw parts of it, then you would interview that person, correct?

A That's correct.

Q And when you say you, you had other detectives doing that on this day; is that correct?

A Yes, ma'am.

Q And in the days to follow, did you learn that there were other witnesses that maybe weren't home during the canvas, were you leaving cards at houses where there was nobody home?

A We were not, no.

Q But as the days progressed you learned that there were people that were there, claimed to have been there but you didn't talk to that day for one reason or another, correct?

A Yes, ma'am.

Q And, in fact, did you learn early on in the investigation that there was a person, a young

man who had been with Michael Brown walking down the street with him and had been right beside the police vehicle when the initial encounter took place?

A We did learn that, yes.

Q Now, did Darren Wilson know the name of that person?

A He did not.

Q Had he ever seen him before?

A He had not.

Q And during your interview with Darren Wilson, did you, well, strike that. Did you later during the early days of your investigation, are there officers that were monitoring the news, and websites, Facebook pages and so forth just trying to see if there were other witnesses to this?

A Yes.

Q And did you learn the identity of the young man that was with Michael Brown?

A We did.

Q And when did you learn who it was?

A Late evening hours of August 9th, we saw a, when I say we, a detective that I worked with, saw a video of Dorian Johnson being interviewed by one of the local media outlets.

Q And Dorian Johnson in the interview

claimed he was with Michael Brown and he had seen what happened?

A Correct.

Q Did you then make attempts to try to contact Dorian Johnson?

A Yes.

Q This was when the last Dorian Johnson?

A I'd have to check my notes for sure, but I would say it was roughly, I don't know, I'd have to check my notes.

Q Let me just, we'll check in a minute. So you learned where he lived, correct?

A We did.

Q And did you go to his residence?

A We did.

Q And was he there?

A He was not.

Q Were there other people there?

A We left a card there. There was no one at his particular residence, no. So we did leave a card for him.

Q Did you learn he had a girlfriend?

A We did.

Q Did you contact her?

A We attempted to, yes.

Q And did she tell you, was he with her?
A We learned through someone that knew her that they were together, yes.
Q Were you able to locate him through his girlfriend?
A We were not.
Q Did you go to her place of employment to try to talk to her?
A We did.
Q So there were various attempts over the day to try to contact Dorian Johnson; is that right?
A We made multiple attempts, yes.
Q Did you talk to any family members of his?
A We attempted to.
Q Okay. You made it known out and about in that community that you were looking to talk to him?
A Yes, ma'am.
Q And so can you check, if I give you a copy, did you interview Dorian Johnson the first time you met him?
A I did.
Q And where did that interview take place?
A The interview was Wednesday, August 13th and the interview took place at the law offices or Bosley and Associates in St. Louis City.

Q So at some point prior to that date you learned that Dorian Johnson was represented by Freeman Bosley, Junior and that there were, they would make him available for the police to talk to; is that right?

A That's correct.

Q So on the 13th you went and interviewed Dorian Johnson?

A That's correct.

Q And you recorded that interview?

A I did.

Q Now, prior to that, had you interviewed Darren Wilson?

A I had.

Q When did that interview take place?

A I interviewed him Sunday, August 10th at roughly 10:00 a.m. at my office at the County Police headquarters.

Q You taped that interview, correct?

A I did.

Q At that time were you aware or did you believe that Dorian Johnson was the man who was with Michael Brown on the day of the shooting?

A I had a suspicion based on his statement to the media, but I couldn't say for sure.

Q Okay. Did you obtain a photograph of Dorian Johnson and put it in a photo lineup to show Officer Wilson?

A I did, yes.

Q I'm going to show you Grand Jury Exhibit Number 19. I know this is not the original, but is this the copy of the photograph lineup that you prepared?

A It is.

Q And showed to Officer Wilson?

A Yes, ma'am, it is.

Q And did you make it clear to him that you were wanting to see if he could recognize someone in that photo lineup as being involved somehow in this investigation?

A I made that clear to Officer Darren Wilson.

Q Was he able to identify somebody in this photo lineup or did he identify someone?

A He identified the incorrect person.

Q Do you recall which photo he identified?

A I believe 2.

Q Okay. And number two is not the picture of Dorian Johnson, correct?

A It is not.

Q What position is Dorian Johnson?
A Position four.
Q So Officer Wilson misidentified the person as the person in Photograph Number 2?
A He did.
Q And so you conducted an interview with Darren Wilson at TCI headquarters here in Clayton?
A Yes, ma'am.
Q Did you read him his Miranda rights before you interviewed him?
A I did not.
Q Was he in custody when you interviewed him?
A He was not.
Q Did he have an attorney present with him?
A He did.
Q Was the attorney present during the interview?
A He was.
Q Did, was there anyone else present in the interview?
A Detective was also present.
Q Was this done in an interview room or in a conference room?
A It was in a conference room.

Q Now, we've seen some video of interviews of and ?
A Yes, ma'am.
Q And those were in interview rooms?
A That's correct.
Q Now Darren Johnson (sic) was potentially a suspect in a homicide investigation, correct?
A He could have been, yes.
Q He had shot and killed somebody, correct?
A Yes.
Q Wouldn't you normally interview a suspect in a homicide investigation?
A Just for clarification, you say Darren Wilson, I'm sorry, you said Darren Johnson, we are talking about Darren Wilson; is that right?
Q How many times have I done that, I've called you and I've called Darren Wilson, , I'm sorry. So, yes, I'm sorry. We're talking about Officer Wilson?
A Yes.
Q And he potentially was a suspect, were you treating him as a suspect at this point?
A He had an attorney present. He was viewed as the subject of the investigation at this point.
Q Okay. And so you hadn't arrested him at

this point; is that right?

A That's correct.

Q So your investigation was about what, at this point you knew that Darren Wilson had shot and killed Michael Brown; is that correct?

A That's correct.

Q Did you feel that you had probable cause at that time to arrest Darren Wilson?

A No.

Q And so what further information did you need to make that determination?

A Well, obviously, the purpose of the interview would be to gather Darren Wilson's statement of what took place that day.

Q Okay. But Darren Wilson had already been interviewed by

A That interview is considered a, essentially a public safety statement where we are obtaining brief information to gather the most basic facts of the incident to insure we're not looking for suspects, victims, to make sure that we don't have any errant rounds into any buildings, things of that nature.

That initial interview with Detectives was not a full-on recorded

interview, was more of a safety statement or safety interview, I should say.

Q All right. So we heard the term cursory interview used, would you consider ' interview on that to be more cursory interview?

A That's an appropriate terminology, yes.

Q So now what was the purpose of your interview then?

A My interview would have been to gather a detailed statement from Officer Darren Wilson and then obviously to have that statement recorded.

Q And have you ever been involved in investigations of officer involved shootings?

A I have, yes.

Q Have you ever been involved in investigations of excessive force used that maybe didn't involve shooting?

A I have.

Q And did you treat this investigation any differently than you would have or have in the past treated any other officer involved shooting investigation?

A No.

Q So after you, so when you spoke with Darren Wilson, he had an attorney present, is that

unusual when an officer is involved in a shooting?
A There are instances where officers request to have an attorney and there are instances where they do not request to have an attorney, and that is purely up to the officer.
Q All right. So you've seen it both ways?
A I've seen it both ways, yes.
Q Of course, if Darren Wilson wanted to refuse to be interviewed, he could do that, correct?
A He could.
Q And you couldn't compel him to give a statement, could you?
A I cannot.
Q So after the interview with Darren Wilson, did you place him under arrest?
A I did not.
Q Why not?
A I did not believe there was probable cause to arrest him.
Q And this was on the midmorning of the day after the shooting; is that right?
A Yes, ma'am.
Q Was the investigation in its early stages?
A It was.
Q In fact, does the investigation still

continue as we talk?

A It does.

Q And you're aware that there are other witnesses out there that we are trying to locate in relation to what they may or may not have seen that day, correct?

A I'm aware of that, yes.

Q You are still working on this case; is that right?

A That's correct.

Q Um, and so after speaking with detective, or I'm sorry, with Officer Wilson, you allowed him to leave with his attorney?

A That's correct.

Q And as the days and weeks continued on with this investigation, have you always been the primary on this investigation?

A I have.

Q And can you give, now, let's go back. Now we are talking about the FBI getting involved. Some days after in the first week of the shooting?

A Okay.

MS. ALIZADEH: You have a question okay?

: If Officer Wilson wasn't an officer, even though he done the shooting, would

that civilian had been arrested considering there was a deceased on the ground?

A Well, the circumstances between a civilian and a police officer are somewhat different. So I don't know that without the specifics, all the specific facts of an incident like that I could give you a fair answer.

I will tell you that I have conducted investigations in the past on civilian shootings, other civilians and it has been deemed justified. Is that what you are kind of asking?

: Well, yes and no, but a shooting, just a shooting, you caught the person who shot, so that person is arrested. The shooter didn't flee and there's a deceased on the ground, would that person have been arrested right then and there.

A I think without being in a particular situation like that, I don't think I could answer that question. There is too many variables that go into something like that.

MS. ALIZADEH: So let me see if I can clarify.

Officer's allowed to use force and even deadly force to affect an arrest in Missouri, you

are aware of that, correct?

A Yes, ma'am, I am.

Q (By Ms. Alizadeh) It all depends on the circumstances, correct?

A That's correct.

Q And then you're also aware that individuals, whether they be police officers or even private citizens are allowed to use force to defend themselves?

A I am aware of that.

Q Even deadly force under certain circumstances?

A That's correct.

Q I'm going to give you a what if scenario. If a woman is at home by herself and asleep in her bed and somebody unknown to her breaks into her house and attacks her and she obtains a weapon and shoots him dead. She calls the police and the police arrive. And if you had this basic information that this person had broken into the house. This woman didn't know him, she's in her night clothes, it is 2:00 in the morning and he's dead on the ground, would you have arrested that person for a homicide at that point?

A Probably not, no.

Q And so you're determination on whether or not to arrest somebody you feel that you need more facts, or in this case at least as of the 10th of August, did you feel you needed more facts before you made a determination on whether he should be arrested?

A I feel that it is critically important in any case, including this case, to gather as many facts as I can before any kind of determination be made in terms of arrest, yes.

Q Now, and for purposes of educating the grand jurors, you might know some of this from your prior experiences with other cases on the grand jury, when a police officer arrests a suspect and places him in custody, he has the option of releasing him pending a warrant application, correct?

A That's correct.

Q And he also has the option of holding him in custody and making a warrant application within 24 hours of him being placed in custody, correct?

A That's also correct, yes.

Q Okay. And so you chose not to do either of those, you just let Darren Wilson walk out of the police department?

A I did.
Q Did you discuss that decision with your supervisor?
A I did not.
Q That was your decision to allow him to leave?
A That was my decision, yes.
Q Did you feel that he was a threat to the community?
A No.
Q Did you believe that he was a flight risk at that time?
A No.
Q Did his attorneys give you assurances that they would produce him if need be at a later date, whether it be for further questioning or in the event that charges were issued, he would surrender him to you?
A They did, yes.
Q And so flight risk, danger to the community, are those some of the considerations that you have when you determine whether you should arrest somebody and hold them in custody and make a warrant application?
A They are.

Q So in this particular case on the 10th you needed more information?
A Yes.
Q You didn't think he was a flight risk?
A Correct.
Q You didn't think he was a danger to the community, correct?
A Yes, ma'am.
Q Now, on that date, and certainly on the days to follow, you became very aware, didn't you, Detective that the public was very intent, not the public, but there were people in the public eye and people that were making their voices known that they wanted to have Officer Wilson arrested and charged with an offense; is that right?
A I was aware of that, yes.
Q So that didn't happen?
A Correct.
Q And why not. Why has Officer Wilson never been arrested or charged with an offense?
A Again, I don't feel that there was probable cause for an arrest.
Q At some point prior, now, the grand jury first heard evidence on this matter on August 20th. This happened on August 9th. So are you aware, and

you and I talked from like maybe day one about the investigation; is that correct?

A That's correct.

Q I was the attorney on-call when this happened?

A Yes.

Q And so at some point was there a decision made between my office and County Police that there would be a grand jury investigation into this matter?

A There was.

Q Okay. And so at that point is there a decision made that the evidence presented to the grand jury, it will be their decision on whether or not charges should be brought against Officer Wilson?

A At that time, yes.

Q And if this grand jury determines that Officer Wilson should be charged with an offense and if they sign an indictment in this case, will you arrest Darren Wilson for the offense?

A I will.

Q And would you cooperate with my office in the prosecution of Darren Wilson if charges are brought?

A I will.

Q Now, I didn't want to cut you off. You want to ask him any more?

No.

MS. ALIZADEH: If anybody has questions about procedure or that nature, you know, you want to ask questions about either of Detective or Sheila or I, chime in.

So Detective , the first week of the investigation we knew that the FBI was getting involved, correct?

A That's correct.

Q And initially you said that there was some confusion about what role they were taking if they were there to assist the county or if they were going to conduct their own investigation, whether or not information was going to be shared, whether or not investigations were going to be coordinated. And there was talk the following Saturday that there was going be a canvas of the entire apartment complex, correct?

A That's correct.

Q And as of Friday, the plan was that the FBI and County Police together were going to canvas the apartment complex?

A That's correct.

Q Okay. And at some point on Friday evening was there, were you advised that there was a decision made that the County would not be involved in that canvas of the apartments?

A I was.

Q Okay. So St. Louis County did not play a role in the canvas that took place on the 16th of August involving numerous FBI agents?

A That's correct.

Q When the FBI would identify people who claim to have witness some part of this, would they share that information with you?

A They would.

Q And when they would interview people, now, on the day of the canvas, they interviewed a lot of people actually in their apartments; is that right?

A That's correct.

Q Most of these interviews were recorded?

A Yes, some of them.

Q Some of them?

A Yes.

Q People that said they didn't see anything or just heard shots or I was working that day, to your knowledge, did they record those type of

statement or do you know?
A They did not.
Q So people that said they saw something of substance or pertinent to the investigation, most of those interviews were recorded, but they were recorded on the scene by the agents, correct?
A That's correct.
Q Okay. And, in fact, when the county was investigating, a lot of their interviews were done at various locations, county libraries?
A Yes.
Q The NCAA headquarters?
A NCAA?
Q Did I say that wrong? What did I say? You know what I meant, I'm sorry. Attorneys, some of these witnesses had attorneys and interviews were done at attorney's office, correct?
A That's correct.
Q So basically you would go wherever you needed to go to talk to witnesses?
A Correct.
Q And same thing with the FBI, you are aware that they were interviewing witnesses during their investigation?
A That's correct.

Q And when they would interview witnesses at FBI headquarters, would they advise you in advance that they were going to be interviewing a witness?

A They would.

Q And so would you participate in that interview?

A We would.

Q And would you be asking witnesses questions during that interview as well?

A Yes.

Q Were there times when they conducted interviews where you did not participate in the interview?

A There were.

Q And on those occasions, would they get you the copies of the recordings of those interviews?

A Yes, they would.

Q Okay. And so I'm going to characterize some of these witnesses as FBI witnesses. You and I talk about the fact that we say, oh, so and so was an FBI witness. That would be somebody that the FBI had identified as a witness and that they had conducted the interview, correct?

A Correct.

Q So when I talk about all witnesses that

were interviewed, and not just the witnesses who said I wasn't home, or I was home but I didn't hear or see anything. But out of all the witnesses that were actually talked to that heard or saw something, between County Police and the FBI, can you give me an estimate how many people were interviewed?

A Roughly 80.

Q And then regarding other witnesses that may have been interviewed, from paramedics --

A I'm sorry, would you repeat your last question? Maybe I misunderstood here.

Q Between the FBI and the County Police, can you give me an idea or an estimate about as to how many witnesses were interviewed, and I'm talking about eyewitness type people that said they saw or heard something that day?

A I'd like to clarify that. That number is closer to 50.

Q Okay. So when you say 80, were you including a different type of witness or other people?

A I was. The 80 number is essentially those roughly 50, and then in addition to those roughly 50, there would have been other people who have been in some form or another involved in some aspect of

the incident itself, or someone who we during the course of the investigation felt it would have been important for us to talk to.

Q So the 50 relates to civilians who maybe said they were eyewitness to some part of this?

A Correct.

Q So the additional witnesses are people like paramedics, the hospital personnel that treated Darren Wilson, correct?

A Correct.

Q You spoke to the owners of the Ferguson Market?

A Correct.

Q At some point in your investigation did you learn that prior to the shooting, Michael Brown was involved in an incident that occurred up at the Ferguson Market?

A Yes.

Q And at some point did you obtain the video of that incident?

A We did.

Q And at some point did you interview the owner and other people who were present during that incident,?

A Yes, ma'am.

Q And during your interview of them, did their statements, let me ask you this. In the video we see that there's a bunch of people there?

A That's correct.

Q There's the shopkeeper who is in the video and we see his interaction with Michael Brown, but there's other people you can see in the video?

A That's correct.

Q Were you able to identify everybody who appears in the video?

A We were not.

Q So were you able to identify some people who appear in the video?

A Yes.

Q And when you spoke to, when you spoke to the owner of the shop, the man who appears, the shorter man in the video, he doesn't speak fluent English; is that correct?

A He does not.

Q So you interviewed him with the assistance of an interpreter?

A Yes, ma'am.

Q And then you spoke to another witness who was present in the Ferguson Market for that incident is that right?

A That's correct.
Q The statements of those people do they, were their statements consistent with what you see in the video?
A Their statements were consistent, yes.
Q Okay. Now, during the interviews, and we've seen in the video that there is no audio to the video, correct?
A That's correct.
Q And during the interviews of those people, and backing up a little bit, since your interview of these people, has there market been looted and burglarized and damaged during the riots that took place afterwards?
A It has, yes.
Q And do you know, do the people who own that market feel that is because the citizens in that surrounding area talk, because they talk to the police?
A I believe so, yes.
Q And have they expressed a reluctance, a huge reluctance to actually be assisting in the investigation?
A Very much so, yes, very reluctant.
Q And so when you spoke to the man in the

video through an interpreter, did you get any additional information about what was said or what was heard during that incident?

A The male clerk, again, did not speak very good English and he couldn't necessarily recall what was being said, but he identified that curse words were being said by the individual he identified as Michael Brown.

Q Okay. So he doesn't, he didn't know what the curse words were?

A He did not.

Q But he was able to, but he knows that there were curse words?

A He does, yes.

Q Was there another person present at the Ferguson Market who also heard words being exchanged?

A Yes.

Q All right. And what did that person say, if anything, does that person speak fluent English?

A Yes.

Q What, if anything, do you recall that person saying about what was heard between Michael Brown, Dorian Johnson, you know, any conversation between them or anything that was heard during the

incident?

A This person missed the initial portion of the encounter, however, at the end of the encounter, the person indicated that they observed Michael Brown pushing the store clerk and begin to walk away. The clerk then, I'm sorry, the clerk was pushed and Michael Brown took essentially one more step back towards the clerk after having been pushed and the individual said that they heard Michael Brown make a comment to the effect of, what the fuck are you going to do about it.

Q Okay. And that person that heard that speaks English fluently?

A Yes.

Q Okay. And now during the course of the investigation, getting back to this, you've interviewed, you said hospital personnel, ambulance people, you've interviewed people up at the Ferguson Market, did you check for video surveillance in the apartment complex?

A We checked several different ways. And we were able to determine that there was no video in the complex.

Q Um, at some point during the investigation did you hear a rumor or were there people that were

talking about the fact that there were video cameras on the buildings in the Canfield Green Apartment Complex and that police officers were observed to have been taking those cameras down on the day of the incident?

A I did hear that, yes.

Q And after having heard that, did you investigate that whether or not there were cameras that had been up there?

A Well, during the initial investigation at the scene on the 9th, obviously, one of the things we do in this, and in every investigation, is look for cameras. So that was the top of our list of things to do to see if there was any video cameras.

A lot of apartment complexes in the St. Louis area do have video cameras that they maintain themselves or there is other companies that come in and provide video security systems for the complex.

So we thoroughly checked ourselves to see if there was any cameras on light poles or buildings or stairways, or whatever. We did not find anything.

In addition to that, we contacted the on-site property manager for the Canfield Green

Apartment Complex and clarified with her our beliefs that there were no visible cameras, she said there were not. She said that they didn't have any other than one particular camera and that was an interior, inside the building in a basement camera that faced the laundry room that watched essentially the laundry area to make sure people weren't taking change out of the washing machines.

In addition to that, we also contacted the, what I would call the corporate offices for the complex and we spoke with the owner of the complex who also confirmed there were no cameras in the complex.

Q All right. You've never discovered that there were ever any cameras on the 9th, at least that were up in the complex that might have recorded any of this incident on Canfield?

A That's correct.

Q Now, you learned during your investigation that there were several people that had used their phones or their personal electronic devices to record portions of what happened on that day, correct?

A That's correct.

Q Have you ever learned that there was a

recording that actually captured any part of the incident from the time the officer sees the two men walking down the street until after the shooting is over?

A No.

Q So the videos that you discovered and seen all deal with the aftermath, after Michael Brown is already been shot and is dead in the street?

A Yes, ma'am.

Q Um, and you're aware that there are a number of, still a number of witnesses or people who have given statements either to law enforcement officers or to other people that they have seen something to do with this, and yet they have not appeared before the grand jury?

A That's correct.

Q And that might be because we can't identify them. For example, there was a witness who said he was with somebody named Were we able to identify that person?

A We were not, no.

Q And then talks about having a female in his car, but he doesn't know her name. Were we able to identify that opinions?

A We were not.

Q There is a person who talks about somebody named who maybe saw something, did we ever identify who was?

A Not positively, no.

Q Then there were a number of people who called, whether they called into the tip line, whether they made 911 calls, whether they made calls into radio, media, like the Tommy Sotomayor show, were there attempts to find out who those people were?

A Multiple attempts, yes.

Q And there were times when you were successful in finding out who those people were, for example, who is the person that called into Tommy Sotomayor?

A .

Q . But there are still other people that you were never able to identify who those persons were, correct?

A Yes, ma'am.

Q And then are there still a few witnesses who you have been able to identify who have said that they saw something, who refuse to make a statement to law enforcement officials?

A Yes, that's correct.

Q And are there still a number of witnesses who actually have made statements to law enforcement officials and who refuse to come in to testify to the grand jury, either because we can't find them now, they're hiding, they're out of state, or they might, we just can't get them in even if we serve subpoenas, they refuse to come in?

A That's true, yes.

Q And so you and I and Sheila Whirley have been working very closely with the presentation of evidence during the investigation that began, the grand jury investigation that began on August 20th; is that right?

A That's correct.

Q And at times have I asked you to do various things that the grand jury has asked for?

A Yes.

Q Such as locate who Darren Wilson's field training officer was in Jennings?

A Yes.

Q And during your investigation did I ask you to go down to Canfield and take a number of photographs that again, I'll call perspective photographs that were, might show what somebody, what various witnesses might have seen on the day of

the shooting?

A Yes.

Q I'm going to show you a series of photographs that are in Grand Jury Exhibit Number 98.

And you and I have gone over these photographs before and looked through them; is that right?

A That's correct.

Q And were you actually one of the, were you with the detective who actually took these photograph?

A I was, yes.

Q So describe for the grand jurors what you were doing here and what the goal was?

A So essentially we made the decision to identify three particular points, specific points on Canfield, and stand in one particular spot of those three points. Take a series of consecutive overlapping photos in a 360-degree manner.

So you could essentially put those photos together and you would get a 360-degree view of your surroundings.

We decided to do that with three points. Those points would have been essentially at

the police car where the police car was originally located, at essentially the intersection of Coppercreek Court and Canfield Drive, this point right here. And then based on measurements that we took, again, this is all based on measurements, where Michael Brown's foot would have been the day of the incident, we used those three points of reference.

Q Michael Brown's foot when he was laying in the street?

A Yes.

Q Those were measurements that you got from the crime scene diagram that was done by Detective on the day of the shooting?

A That's correct.

Q So really we're going to go through some of these and we'll get through as many as we can. I think at this point it will probably be we will see Detective back on Friday just to finish up with him. I know Sheila has got some more with him, you all may have some questions and, of course, we have evidence for you to look at and view as well.

So in this first image, which on the back I've marked as 1A. So all of the images that have a one, these are images from what vantage

point?

A Uh, this would have been from Officer Wilson's police vehicle.

A Okay.

Q And so the detective photographed the cone in the street and this is where he was going to stand on top, not physically stand on top of the cone, but stand over the cone and turn while he made his photographs, correct?

A That's correct.

Q And so this image 1B, is that you can see the cone in this photograph and is this just to get a perspective of which view this is?

A It is.

Q So this is not a perspective shot?

A That's a preparatory shot to identify where we're at.

Q Okay. And so on 1C, this would be the first photograph that is a perspective shot from where Officer Wilson's vehicle was, correct?

A Correct.

Q And what direction is this looking?

A This is looking primarily south.

Q Okay. And so if we know that the officer's vehicle was right about here and you can

see the front of the building says 2964, that's this location right here, correct?

A That's correct.

Q All right. And did you during your investigation identify if there was any witness that would have been in this photograph that would have said they witness something?

A No.

Q And then in photograph 1D, is this, now the detective who is taking the photographs, if he started out by looking south on Canfield, is he turning clockwise?

A He is.

Q So now from this perspective, is he looking down which direction on Canfield?

A He's looking west on Canfield.

Q Okay. And so that would be looking in this direction, correct?

A Correct.

Q And from this photograph which is where the police vehicle would have been, can you see a location where an eyewitness said that saw something?

A Yes.

Q And I want you to get up and help me with

this. I'm going to hand you a Sharpie. What witness are you talking about?

A Would have been .

Q Okay. Now, looking west from here, the police officer's vehicle, we heard a number of people who said they were in vehicles that were actually west of the officer's location, correct?

A That's correct.

Q So , and , and , and his car, ?

A Yes.

Q So those people would be somewhere on this roadway, correct?

A That's correct.

Q Can you use the Sharpie and put for to show where he says he was when he saw that?

A (Witness marking on the exhibit.)

Q So now you see a in the distance here, is tha where says he was?

A It is.

Q You actually spoke to the of that is that right?

A I did, yes.

Q Did confirm that had somebody working, wasn't sure what day it was, but had somebody who worked that day?

A did confirm that had somebody work on .

Q Okay. If you're at Officer Wilson's car where this photograph is, can you see the location where said he was standing?

A Yes.

Q And presumably if you had taken a photograph from that location, would you be able to see where the police car was?

A Yes.

Q Okay. And then Exhibit 1E, in this grouping is again turning clockwise so. What building are we seeing in this photograph?

A We are looking at this third photograph right here. This is 2973, which is part of Building 2 and 2969, which is also part of Building 2. We can see a little bit of Building 3 on the far right-hand side.

Q Okay.

On that photo, you're saying the car would have been about

right at the end of the picture?

A Right. So the detective when he was taking the photograph would have been standing where the car was when he took that photograph.

: Okay. What about where the body laid at?

MS. ALIZADEH: That's in another group of photographs. There's the car photographs, there's a point where he may have turned around by that pole and then there's where the body laid.

What's the estimated distance from the car to where was?

A From the car, I'm not sure I'd have to look it up.

A couple hundred yards, 100 yards, someone with good eyesight would be able to see clearly in your opinion?

A Yes. I would say maybe not even 100 yards.

This is 1D, that photo is 1D?

MS. ALIZADEH: Yes, 1D.

: That , if you were standing where the detective took the picture from with the naked eye would that look closer than

it does through the camera? Would you be able to see more of it or would it be larger?

A Um, I think that is probably pretty consistent with what you would see.

Q (By Ms. Alizadeh) You were out there on that day, correct?

A I was.

Q When they were taking photographs?

A I was, yes.

Q And did you discuss with, was there discussion between myself, my office, and you guys that we wanted to have, we didn't want zoom pictures?

A That's right.

Q We wanted to have a lens that would be as close to the human, what an eye would see?

A Correct.

Q So none of these pictures are zoomed in to what they are focused on?

A Right, that's by design.

: That begs a question for me. When was in here, whatever that is, the is right here. He said he moved over here. So he was a little bit closer than the , correct, or not correct?

MS. ALIZADEH: Well, regarding your recollection of his testimony, y'all can compare notes on that or look back on the transcript. I'd rather not comment on where I think was or, you know, and we have a map here too that is also done for your assistance that also puts points where the detectives involved in the investigation believe people were, but that's only to assist you. These are just to assist you.

So if your recollection is different or if you do not agree with what the pictures show or what the testimony is, that's your prerogative to agree or disagree or have different recollections, okay.

So detective looking at this photograph 1E and you said now in this photograph we can see Building Number 2 and part of Building Number 3, can you, do you know who lived in Building Number 2 that said they were witness to this, do you need to look at the map?

A In Building Number 2 would have been and and .

Q (By Ms. Alizadeh) They testified, I don't know you guys are going to have to be looking back on your notes. They testified that they lived on various floors in these buildings, correct? So from

the police car, someone who is on the balcony here very well could have seen what happened at the police car, is that fair to say?

A That's fair to say.

Who lived here, who did you say?

A , and . Can I look at the map just to clarify that?

Q (By Ms. Alizadeh) Just so we can make the record clear, I'm going to just, I don't have another easel yet today, we're going to get one for you, but this is a map that has --

(Grand Jury Exhibit Number 101 marked for identification.)

MS. ALIZADEH: Grand Jury Exhibit Number 101 is the same map that has little stickers that show where various people say that they were, correct?

A Yes, ma'am.

Q (By Ms. Alizadeh) And you prepared that for me; is that right?

A I did.

Q And I'm going to show you Grand Jury Exhibit Number 102.

(Grand Jury Exhibit Number 102

marked for identification.)

Q (By Ms. Alizadeh) Is this a legend that you prepared that corresponds with the number you gave those people?

A It is.

Q Just so that you all know, you know, I've been numbering witnesses as we go. The numbers that he assigns here have nothing to do with the order that they testified, so don't go by a witness number, you know, 43 is where, okay.

The legend, I might as well pass it all out to you, but this helps you to recall who was in that Building Number 2, correct?

A It does.

Q All right. And on your little markings you have Number 25, who is Number 25?

A It is, as I said, it is , and Number 10 is and Number 9 is

Q And now looking at the corner here of Coppercreek Road, there's a , who is that?

A .

Q There is also a that's over here by the mailboxes?

A That's correct.

Q And why do you have a and .

A Individuals who we identify during the course of the incident to any significance we identify as best we could their starting point with an A. So, for example, you are , and then to their end point as best we could again who is identified by B, so , so she is both and .

Q In these videos, can you see the corner where would have been at

A Yes.

Q Okay. So from her location at the corner, she would have been able to see the police car?

A , yes.

Q Yes, okay. And then -- all right. This is F, 1F. Again, this is a perspective looking, turning to the right slightly from the previous photo, correct?

A That's correct.

Q And what building do you see in that photo?

A There's again a segment of Building 2 and it shows Building 3 and Building 4.

Q All right. And so Building 3, who was in Building 3?

A

Q And so he is Number 27 on the map that you've marked?

A He is.

Q Can you point with the the Sharpie, put for where he was?

A Sure. (Witness marking on the exhibit.)

Q All right.

I've got a question. Those trees we see on the left side of the road, are they cut up six, seven foot off the ground if you are standing under there you can see through them?

A You can walk under these trees without any problem.

: It is hard to tell from this photo.

A Yes.

Q (By Ms. Alizadeh) So Image 1G, and we are going to conclude as soon as we get done with the first round of photos of the police car if that's okay. So, again, from the police vehicle now the photographer has turned a little more clockwise, what building did you see in that shot?

A Far left-hand side you can see a portion of Building 4 and then it moves onto the side and

front portion of Building 5.

Q And so from these two photographs from, what was this one, F and G, can you see where would have been?

A Yes.

Q Okay. And so in those two photographs, presumably she would be able to see the police car, correct, based on what she had said where she was?

A Yes, ma'am, yes.

Q And then in 1G we see 's building, correct?

A Correct.

Q And she said she was inside, but then I can't remember if she says she came outside, but from her building, if she were looking out a window, she could see the police car, correct?

A Yes, ma'am.

Q And on 101, Grand Jury Exhibit 101, you have 1A and 1B, that's because was walking when this happened, correct?

A Yes, ma'am.

Q So in Grand Jury Exhibit H -- that is from the police vehicle looking west or east on Canfield, correct?

A That's correct.

Q And so from that location, what buildings do we see?

A We again see Building 5 on the left-hand side. And further down in the background you can see a portion of Building 9. And then if we move over to the right-hand side of the street, you can see Building 17, a portion of Building 17 and a portion of building 16 and a small portion of 15.

Q Okay. So based upon the images that we've seen so far, would somebody in Building 6, for example, be able to see the police car?

A No, ma'am.

Q Building 6?

A No.

Q Okay. How about a person who was in Building 4?

A Yes.

Q And that was who?

A That was?

Q Sixteen?

A .

Q And so if was looking outside her window, she could have seen what happened at the police car?

A You will see here we were talking about

Building 4. A majority of Building 4 and whatever photograph this is, 1G is visible, so yes.

Q Okay. And Image 1I. And again, from the police vehicle, what buildings and what can we see?

A We're again looking at starting from left to right. We're looking at a portion of Building 15, a portion of Building 16, Building 17, and then in the far right-hand side is Building 18.

Q So in Image 1J, again, this is turning a little more clockwise. What building do we see in 1J?

A We're primarily looking at Building 18.

Q Okay. An in Building 18 we talk about that being where was?

A That's correct.

Q And then Number 30, this would be where says she was standing smoking a cigarette with somebody in a green shirt or black shirt?

A Yes.

Q Photograph 1K. We can see this is also a portion of Building 2964, which is 18, correct?

A That's correct.

Q And we can see the mailboxes in this photograph where said she was

crouching by?

A Yes.

Q And even more so in 1L. See the mailboxes in that photograph?

Q And this is the last one and then we'll break. This is 1M, which again takes you full circle or almost full circle. And here you can see where said he was working. Is that right here?

A Yes, ma'am, yes.

Q So that's something around full circle, okay.

MS. ALIZADEH: We'll conclude for today. What I would propose doing is that before next Friday, I'll mount all of these on a similar board and you understand the progression of the photographs. I don't know that it is necessary that we say what is seen. I think combined with using the board there, the legend and these photographs, but I will also ask Detective to return on Friday to finish. I maybe just have a wrap-up to do with him. Sheila will have some questions and then you --

MS. WHIRLEY: I just have one concluding question and that's it. Because I wasn't real clear

on something you said, I just wanted to make sure I'm clear. Would it be correct to say that you're not here today making a decision about probable cause or telling the grand jury there's no probable cause to charge Darren Wilson?

A No, I am not, absolutely not.

MS. WHIRLEY: That would be a misstatement?

A I am not here making that statement.

MS. WHIRLEY: Okay. That's all I have for today.

(End of the Grand Jury Hearing Volume XXIII.)

State of Missouri
SS.
County of St. Louis

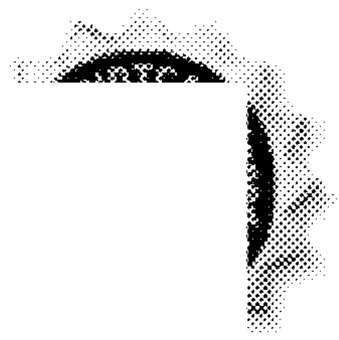
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The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to

and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.



COURT MEMO

State of Missouri vs. Darren Wilson

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STATEMENT OF DEPOSITION CHARGES

DEPOSITION OF Grand Jury, Volume XXIII

11/13/2014
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Clayton, MO 63105

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Grand Jury - Ferguson Police Shooting

Testimony of
Grand Jury

11/21/2014



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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

November 21, 2014

VOLUME XXIV

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

STATE OF MISSOURI

STATE OF MISSOURI

vs.

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 21st day of November, 2014, before xxxxx x. xxxx, RPR, CRR, CCR MO #xxx.

APPEARANCES OF COUNSEL:

FOR THE STATE:

Ms. Kathi Alizadeh & Ms. Sheila Whirley

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GRAND JURY HEARING VOLUME XXIV

MS. ALIZADEH: Good morning. It is Friday, November 21st, it is 9:24 a.m. This is Kathi Alizadeh, Sheila Whirley is present, all 12 grand jurors are present, as is the court reporter.

And we've spent about an hour kind of talking about some procedural issues and matters and concerns that the grand jurors had.

We did not discuss any of the evidence or testimony so that discussion was had not on the record.

I do want to tell you that as, since you last met, which was on Thursday, last week, I've taken this week to go through every transcript that has been produced, which we are up-to-date. We have the transcript from last Thursday and what I've done is I made a chart and I made a chart that had the name of every witness who testified and whether or not that witness made statements prior to their testimony.

As you know, it was originally our plan that we would put on witness statements prior to the witness testifying. We play statements, we provide transcripts when we had them, but over the weeks because of scheduling issues and problems getting

witnesses in, we kind of got away from that. We'll put the witness on now and we'll listen to their statements later.

I wanted to make sure that I had put everything on and, of course, I discovered that I'm not perfect and we have not, so I want to make this representation to y'all.

And, again, names of witnesses will be redacted from the transcripts, so I'm just going to go ahead and say their names. But if you will recall, there was a witness testified, her name is She is the , and she did testify and I did play a statement of hers that was taken on the date of the shooting by the St. Louis County Police Department and that statement was three minutes long.

Apparently there is another statement of hers that was given to the FBI on September 2nd and that statement is 11 minutes and 58 seconds. I did not play that, but I have it hear, all right.

So I'm going to go through each of these and then we will discuss whether or not you want us to play or give you just the transcripts of what have you.

There was another witness or another young

man who did not testify, but you'll recall he originally made a statement to St. Louis County Police on the day of the shooting. It was a ten-minute recorded statement that we played for you where he described having witnessed the incident.

testified last week about a phone call and we played a phone call for you from that witness where he said, no, he really didn't see it, he just said he saw it. So there is another statement of that was given to the joint investigators, so United States attorney, Justice Department attorney and FBI people, that was given on September 26th. It's 15 minutes and 58 seconds long, and I did not play that one for you. I have listened to it and actually that's how I knew was recanting the story. The essence of that statement he says, I didn't really see it.

But that statement is also, I have it in here. So we can play that for you if you want to hear that one.

There was a woman testified named , she's the one who, I believe, was taking her trash out when she heard the shots. She made two statements, one on August 9th on the date of the

shooting and one on August 16th to the FBI. During their canvas, remember the week after they did a knock on door canvas?

I have given you those two transcripts already, and at the time you all said you didn't need to hear the statement, the statement played because you have the transcripts.

But again, I have those statements here and if you desire to hear them, we can play them.

Then there's , you will remember she's the woman from who was taking a drive into Canfield Apartment Complex and testified that she witnessed the shooting. I've already played for you a statement that she made to the joint investigators, the U.S. attorney, Department of Justice attorney and FBI agents. That statement was on October 22nd. It was an hour and 38 minutes long and there was no transcript of the statement at that time, but the court reporter took down the statement as we played it, and so you've heard that statement.

There is another statement that was made previously by her on September 11th to the St. Louis County Police Department, that statement is 44 minutes and 52 seconds long. I don't have a

transcript of that statement, but I have that audio if you want to hear that as well.

There was witness if you recall, he was kind of like, he said he was kind of like the godson to . He was on his balcony trying to make a cell phone call because he gets better reception out on his balcony.

He made a statement that I played for you on September 30th. It was a statement made to joint investigators. It was 33 minutes and 14 seconds long. And you've already heard that one and have a transcript of that.

He also made a statement on the day of the FBI's canvas on August 16th and that statement is 22 minutes and 31 seconds. And I have that statement, but I have not played it for you, nor do I have a transcript.

I don't know if you recall , she's the witness who says she likes her gospel music and she was rocking to the gospel music in her car when she pulled into the complex that day and witnessed the shooting from behind, from inside her vehicle.

She made a statement to joint investigators that statement was made on

August 15th, 2014.

At the time I asked you if you wanted to hear y'all told me you didn't think you wanted to, but I have the transcripts already prepared at that time because I was thinking we would play it. So at this time I'll pass out the transcripts for her statement and y'all can have those and if you want to hear her statement, we can play that one as well.

Then there was , he's the gentleman who was making internet kind of video phone call to a female friend and he unwittingly recorded the sounds of gunshots, and I didn't play his statement. His statement was given to the FBI on August 18th, it is ten minutes and 41 seconds long. I don't have a transcript, but I do have that statement if you want to listen to it.

There is , he's the witness who had called into that POD cast show, that and had made statements that seem to indicate that he had seen the shooting. And he came in and testified to you about what he saw.

He made a statement to St. Louis County Police and the FBI actually on the day that he testified in the grand jury because he would not make a statement to the police he actually was

subpoenaed to come into grand jury to testify.

So when he arrived at our office, FBI agent and then sat down with him and took his statement and that's recorded. I don't have a transcript, but I do have the statement, that statement is 53 minutes and three seconds, so if you want to hear that one you can.

, she was the physician assistant who treated Officer Wilson on the day of the shooting.

She made a statement to joint investigators on August 27th of 2014. Her statement was recorded and is 16 minutes and 29 seconds long. I don't have a transcript, but I have a statement if you want to hear that.

made a statement to joint investigators on the 9th before he testified in this grand jury. So that would have been on November 12th and his statement is two hours and 40 minutes long if you would like to hear that. Actually, I do have a transcript, they delivered the transcript to me as well. So I have a transcript and that statement.

I didn't print out the transcript because obviously it is quite voluminous. If you need it, I

will certainly print out copies for everyone.

And then finally , she was the woman who was in the vehicle with her mom and dad and sister and her daughter, she made two statements. Neither of which have been played to you. One was on August 21st to the St. Louis County Police, that's 19 minutes and 15 seconds long. And the other one was to joint investigators and that was made, I think, the day before she came in and testified here, that would be November 12th. And that statement is 35 minutes and 45 seconds long.

And maybe at a morning break, I'm going to give this chart to the foreperson. I've highlighted the ones missing statements so you guys can talk amongst yourselves if there is any need to hear those statements or get transcripts for those statements, we can do that before you deliberate.

GRAND JUROR: Whatever happened to the witness somebody who didn't want to come?

MS. ALIZADEH: we never were able to get him subpoenaed. He's hung up on me twice, he hung up on the Department of Justice attorney twice, they've not been able to get him in for an interview.

I've had an investigator to his home, to

his mother's home, and either people don't answer the door or when they answer the door they say isn't here.

Police are not authorized to go into a house and look for somebody unless they have a search warrant. And given that he's not, he hasn't committed a crime, we really can't get a search warrant to go into a house to find him.

So, you know, I did play his statement for you to take into consideration the fact that he is unwilling to come in and give live testimony to you.

When you consider how many witnesses have given different statements after they come in and testify, just keep that in mind, that you were able to question him and observe him and judge his credibility live, okay.

GRAND JUROR: I have one more question. What would be the reason that a police department or the FBI or the civil rights will get a statement at the 9th hour before the witness comes in to testify?

MS. ALIZADEH: Well, that would be a question that you would have to ask them. You know, as you know, they're running their own investigation, independent investigation and as you probably, you might be able to tell even by looking,

I didn't give you the whole list. I left out a page.

A lot of these witnesses who were spoken to were spoken to by either county police officers on the day of the shooting or the day after the shooting and then sometimes on that following weekend when the FBI did their canvas they were spoken to.

Some of these interviews are as short as three minutes. As an example, I'll use . She was interviewed by a county detective on the date of the shooting. I think her interview was something like three minutes. Not very detailed. Not very, you know, there isn't even anything in her statement at that time as to what car she was driving.

As you know, that kind of became an issue. She testified she had the and that kind of is an issue. I'm only speculating as to the reason that they were conducting their own interviews. I think that definitely witnesses needed more in depth interviews and they determined they were going to do those, but I can't really tell you, it would be speculating on my part if they had any other kind of motive or desire, but they are

running their own investigation. They will, they are preparing a report with recommendations of their own so they feel a need to actually talk to every witness themselves.

Okay. Also we did not have it at the time, but actually emailed a copy of his CV after he testified, so I marked that as Exhibit 103.

(Deposition Exhibit Number 103 marked for identification.)

MS. ALIZADEH: And at this time we'll proceed with who I anticipate may be the last witness and that's who started last Thursday.

GRAND JUROR: I have one quick question. referenced his report, do we not anticipate getting one from his autopsy?

MS. WHIRLEY: We don't have one currently.

MS. ALIZADEH: I don't even know if it's done.

GRAND JUROR: Okay.

MS. ALIZADEH: You know, honestly, during the break we can try to contact him if it is done, he maybe can email it to us, and if it is not done.

GRAND JUROR: I asked about

report. He mentioned finishing up his report and we never saw anything. If that is of interest of people to inquire into it or not?

GRAND JUROR: What do you mean he didn't saw everything?

GRAND JUROR: He never submitted his report from his autopsy. He referenced he looked at some pictures when.

GRAND JUROR: He should have written his report by now.

GRAND JUROR: This is it, he didn't submit his autopsy report.

MS. WHIRLEY: We'll contact and see.

MS. ALIZADEH: It is worth us reaching out if he's got it and can email to us we'll get it. If he doesn't, you know, the only thing would be y'all would have to discuss if you want to hold up your deliberations until you get it. This is, again, your investigation and if there is something you think you need, we're going to get it for you.

MS. WHIRLEY: Another question?

GRAND JUROR: We need to decide even if we need to ask for it.

GRAND JUROR: I thought the only reason that we would have it is because he was, he had a

difference of opinion as to one of the wounds as opposed to the medical examiner for St. Louis County, is that my understanding? Was that my understanding?

MS. WHIRLEY: That's something you need to figure out.

MS. ALIZADEH: We can't --

GRAND JUROR: I'm sorry?

MS. ALIZADEH: We've got email.

MS. WHIRLEY: I can reach out to him.

MS. ALIZADEH: We can make quick inquiry. If he's got it, we'll get. If he doesn't have it, you guys are going to have to decide if you want to hold up deliberations until you get it. It is easy.

GRAND JUROR: I'm not sure that everything that we've done so far is thorough if we would make a decision before we have his report that that would not reflect good on us, you know what I mean?

MS. ALIZADEH: Let me tell you this. In any actual criminal trial, the report of the medical examiner, the police reports, any reports that you all have been given in your investigation, none of those or admissible in a trial because the report itself is considered hearsay.

The testimony is the evidence in the case.

So has now, typically we have a report before the witness testifies and we may use that report to prepare us for their testimony, and then we may use that report if they testify differently than what the report says certainly, but in this case, we didn't have that report in advance.

If we had it and it was a trial, we couldn't let the jury see it anyway, but that's something, again, you guys are going to have to talk about. During this break, we'll go and do, we'll contact somebody right now. If we get it great, if we don't get it, you are going to have to decide if you want to wait for the report, okay. And that will be the decision you all can make amongst yourselves during the break or lunch or what have you. Okay.

Anything else before we take a bathroom break or stretch your legs?

(Recess)

MS. WHIRLEY: This is Sheila Whirley. There was a request regarding autopsy report. Fortunately I was able to reach him by telephone during our break. He said that he was waiting on some information and hadn't completed the report, but he could have it ready by Monday.

So he wanted me to get back to him and he'll work on it over the weekend. He wanted me to get back to him and let him know if that would be okay, should he work on it or what.

MS. ALIZADEH: Why don't you guys talk about it during your lunch break. We'll let him know after lunch whether he needs to chop-chop, get that done for you guys, okay.

So at this time, we're going to recall Detective

DETECTIVE

having previously been sworn, retakes the stand for further questioning.

EXAMINATION

BY

Q Good morning, Detective

A Good morning.

Q This will be your third time appearing on this matter in the grand jury and I will just remind you, you are still under oath to tell the truth and also that you are under oath not to divulge or disclose anything that happens in the grand jury or to even discuss that you were appearing at the grand jury or any matters or for the fact that they have this matter under consideration.

A Yes, ma'am.

Q So, I first want to clear something up, and this actually came about at the conclusion of your day on Thursday, and we were not done with your testimony, but there was a question asked by Sheila Whirley and I wanted to clarify something.

Last Thursday I had asked you questions about your investigation, about your questioning of Officer Wilson, your reasons for not placing him under arrest after you had interviewed him, the reason you did not place him under arrest sometime subsequent to that and I asked you if you felt that you had probable cause after you had interviewed him, if you felt that at that time that you had probable cause to arrest him, and your answer I believe was no.

At that time you did not feel that you did and I want to clarify for the grand jurors and Sheila brought up the fact, you are not saying, are you, Detective, that you do not feel that there's probable cause to indict Officer Wilson of any offense in this case?

A Correct, I'm not giving that opinion.

Q In fact, in preparation for your testimony, did we discuss whether or not any

questions about your opinion would be answered by you?

A We did discuss that, yes.

Q And I told you that I would not want you to give your own opinion if you have one, nor would I want any of the grand jurors to ask you your opinion because that is actually their decision and not yours?

A That's correct, yes.

Q So just to clarify for everybody, your answer about not arresting Officer Wilson after he was interviewed, which was less than 24 hours after the actual shooting incident was not a comment on your part as to whether you feel that there's probable cause to indict, is that fair to say?

A That's fair to say.

Q And you all understand that at no time do I think would it be appropriate for you to ask his opinion as to whether there is probable cause to indict.

Also, you may recall that during testimony of certain witnesses they may have been asked questions about their opinion as to whether there was excessive force used and in those cases, those witnesses, if you recall, were all actual

eyewitnesses to the incident. And so whether they have an opinion or not I think might be relevant, but given that Detective is not witness to the incident, I don't feel it is appropriate for you to ask him his opinion as to any of the issues in this case.

He's here to testify about the investigation and the facts that he's discovered and I leave it to you to determine the issues of law in this case.

Also, Detective after your testimony you indicated to me that I had asked you a question about whether or not the investigation you conducted in this case was any different than any other investigation you've done regarding use of force investigations, and I believe you testified Thursday that no, you have not done anything differently or something to that effect. And you told me that you wanted to clarify that; is that fair?

A I did, yes.

Q Why don't you explain for the grand jurors about what, if anything, is different about your investigation in this case?

A Sure. When I answered that question last

week, I was referring to the fact that Darren Wilson was treated no differently in this investigation than other officers have been treated in any other investigation we have conducted or that I have conducted.

He received no special treatment and in terms of the investigation, the same legal and general procedural guidelines were followed in this investigation as they were in any other officer involved incident that I have conducted.

Having said that from the beginning, there were certain aspects of the investigation that were different. Typically we would do a walk-through at the scene with the individual involved in the incident, that wasn't possible in this particular instance based off of circumstances taking place at the scene. It wouldn't have been safe, I felt, for him to go back to the scene and do a walk-through at the scene. In a relatively short period of time, there was a significant amount of media attention that had been garnered regarding this incident and obviously, that can impact witnesses' statements if a witness sees media account of it, so that would have obviously impacted this investigation more so than previous

investigations. The FBI and Department of Justice, obviously, began conducting a parallel investigation within a relatively short period of time. And that obviously lent itself to a variety of coordination issues that needed to happen, a variety of other laboratory reports that we would have needed to get, other methods of doing things. In that sense, there were things that we did differently.

And also just in terms of the sheer volume of work and the amount of witnesses that we contacted that was different in this particular instance, based on the amount of people that needed to be contacted, the amount of evidence that was presented. And so in some instances, I was at the same time as much a project manager as I was an investigator.

But ultimately there were a lot of things that were, I should say, different about this investigation, but it is nothing that would have impacted the integrity of the investigation or the manner in which Darren Wilson was treated, so I just wanted to clarify that.

Q All right. And in the course of this investigation within hours of the shooting, you did have a number of people who actually came forward

and indicated that they had witnessed the incident; is that correct?

A That's correct.

Q And you learned shortly after the shooting that there was an individual who was with Mike Brown during the shooting and did it take several days for you to identify him and to contact him?

A It did.

Q And then during this investigation were there also a number of witnesses that did not come forward that you were able to later identify either through canvassing or through other investigative techniques such as getting phone records, Facebook records, Twitter records and so forth, to try to locate people who might have seen something?

A Yes, that's correct.

Q And so is that something that was atypical in your investigation of an officer involved shooting the vast number of witnesses that actually were not coming forward on their own?

A It was, yes.

Q Um, all right.

MS. ALIZADEH: I'm going to then kind of resume with talking about this perspective picture. At this time does anybody have any questions, of

course, you can always ask later as well. Before I move on to doing these pictures again, anybody have questions about the investigation itself or things that were done or not done?

Okay, all right. So now, Detective we had you testify Thursday about this map, which is marked Grand Jury Exhibit Number 101. What are these?

A Extra.

Q (By Ms. Alizadeh) Extra, okay, that's right. And you indicated that you, along with other investigators prepared this, which is your interpretation based upon the statements made of witnesses as to where various eyewitnesses were during, when I say shooting, obviously, there was a time period that goes along, the beginning of the time of the beginning of the incident until after the shooting had been done. And do you still feel that this map accurately reflects where witnesses said they were?

A I do.

Q And just for your instruction, this just, this map is for your purposes in your deliberations and if you disagree with anything that's on the map, these little sticky things come right off. So

supposedly they come right off.

A They do.

Q If you feel that this witness is not in the right place, you can move any of these stickers that you want and put them in the places where you think they belong.

This is just something that is representative of what this witness believes where people were. If you all do with this what you will.

Also there was a legend that was provided for all of you regarding the numbers because the numbers that were assigned witnesses are not the same numbers as the witnesses testimony in this grand jury.

So Witness Number 10 in the grand jury is not necessarily Number 10 on this chart. Actually, he's Number 6. So those numbers for the map are only for the map, okay. Is that fair to everybody?

All right. Now --

GRAND JUROR: I just want to clarify, the red where it says Michael Brown, that is where he died, that is where he fell?

A Yes, ma'am.

GRAND JUROR: You don't indicate anywhere

where he was to begin with, just where he fell?

A Just where he fell, yes.

Q (By Ms. Alizadeh) And the blue would be where the police officer's car was when you began your investigation, correct?

A Correct.

Q So these photographs, which we already started some testimony about, I did a little better job attaching them. And just so for the grand jury to understand what I've done here, I have three boards and each board represents a vantage point. So the actual vantage point, the picture of that vantage point is on the back of the board.

So as you see here on the back of this board, there is a cone in the middle of the street. That would be where the police vehicle was. And so when you then look at the pictures that are on front of the board, and you've heard Detective

testify about how the photographer stood in that location over that cone, actually stood, straddled the cone and would take pictures moving clockwise 360, so that we would have an idea of what can be seen from that vantage point to help you figure out where people were, what they might have seen, parts of it they might have seen.

And actually, when I prepared these boards, I did it using what's called removable tape because I wanted y'all to be able to take these pictures off if you needed to or move them around if you needed to. But unfortunately, removable tape doesn't stay very well and the next day I came in and these pictures were like all on the floor.

As you see they're coming off somewhat and so I've provided a tape dispenser for you. If you see that, see how this is coming off here. This is because this tape doesn't stick well.

I'm taking these down so they stay. You should be able to pull them off. If there is a need to remove them and move them around in any way.

But I believe we finished up with this board which I did not mark last week, but I'm going to mark now.

(Grand Jury Exhibit Number 104 marked for identification.)

MS. ALIZADEH: Does anybody have, before anybody I move onto the next board, we kind of finished with the last picture. Anybody have any other questions about this board?

And just so you all know too, you will see that there are, I think, five easels in this room

right now. There is one in the corner that's holding that flip chart, one that's in this corner. The one I just put up there, there's another one in the corner and one over here.

So when it is time for you to deliberate, if you feel like you want to get all of these out and put them up, it is just hard for me to move around by doing it right now.

I'm just going to do them one at a time.

(Grand Jury Exhibit Number 105 marked for identification.)

MS. ALIZADEH: Next board I'm going to mark Grand Jury Exhibit 105.

Again, I put the picture on the back of the board that shows the vantage point of these pictures. You see a cone in that picture, and Detective looking at the photos on the front of the board. Can you tell what vantage point that is?

A This would be the far eastern point that we took, the 360 degree photos from.

Q (By Ms. Alizadeh) And why is it that this cone was placed at that location on Canfield Drive or Canfield Road?

A As best we could tell based off of witness

accounts, that would have been the furthest point east that Michael Brown would have went to. So that intersection of roughly Coppercreek Court and Canfield Drive.

Q If you want to point to where that is on your other map?

A So essentially the western corner, or what would be the northwestern corner, I should say, of Coppercreek Court and Canfield Drive is where this cone was placed roughly right about there. (indicating)

Q And so we see in the photograph that is on the back of this board, the cone there, did the photographer straddle that cone and take 360 photographs in the same manner that she did from the vantage point from where the police vehicle had been?

A Same procedure was used, yes.

Q Okay.

GRAND JUROR: Is this from the perspective, you said from the farthest point that the Michael Brown got to, is this the point where he stopped in the roadway and turned?

A Yes, ma'am. We are basing that off of witness statements as best we could tell. That was

the point that they had made reference to and so we used that as the furthest eastern point to go to.

GRAND JUROR: Okay.

Q (By Ms. Alizadeh) Now, I'm going to put this up, Detective. If you want to come up here if it is easier for you to see. We're going to start with the top left-hand photo is the first photo in the group and then we're going to move left to right, and then down to the second row left to right and then down to the third row left to right.

So the first photograph, can you describe for the grand jurors where the photograph, what the photographer is seeing in that image?

A This photograph right here would be, again, if I move to this map at the intersection of Coppercreek Court and Canfield Drive, the photographer would have been taking a photo that would have been essentially almost due east. So taking a photograph due east.

Q And so in that photograph, can you see Building Number

A There would be Building Number and a portion of Building Number .

Q Can you put the laser pointer on Building Number

A This would be Building Number right here. And then if we move to our left that would be Building Number

Q Now, from this perspective, the location of the would, if they were, according to their statements, can you see where they would have been?

A They discussed being near, essentially this area right here, the corner of this building somewhere in this area right here. (indicating)

Q And there's a dumpster that you can see in that photograph; is that right?

A Yes, ma'am.

Q Okay. And then also there was a witness in Building Number

A That's correct.

Q And who was that?

A

Q We can see Building Number from this first photograph?

A Correct.

Q And then there were also possibly two witnesses that were near this dumpster?

A That's correct.

Q And that would be?

A and .

Q All right. Is that the dumpster that appears in the top left-hand side of that first photograph?

A Yes, ma'am.

Q Okay. Now, moving onto, well, let me ask you this. Building which would have been where and would have been, can you see Building in this, in that first photograph?

A Yes, it looks like you can see a portion of Building over here.

Q Okay. So depending on the angle of that photograph and where they would have been, it's possible that someone from Building could see where the photographer was standing?

A Yes.

Q And then the next photo, is this moving clockwise or counter clockwise?

A This next photo would be counter clockwise.

Q Yeah, did I put these up wrong?

A I think these two are transposed.

Q Good thing I used removable tape, huh. All right. Tell you what, let's take a pause as we

try to get this right.

(Recess)

Q (By Ms. Alizadeh) So we've discovered that I have some photographs in the wrong order and we're going to move on to the next board so that I can during maybe a break we can rearrange those photographs and put them up the way they should be and we will revisit that after a break.

So the next board is going to be marked Grand jury Exhibit 106.

(Grand Jury Exhibit Number 106 marked for identification.)

Q (By Ms. Alizadeh) Detective, looking at the photograph on the back of that board, can you tell me where the photographer is standing for these photographs?

A This would be at the point where Michael Brown's body was located when we arrived at the scene.

Q All right. Before we start, can you look at that real quickly and tell me did I get that right or is that wrong too?

MS. ALIZADEH: This is what happens when you do live theater.

A The top is clockwise. This one is

clockwise. This is clockwise, we're good.

Q (By Ms. Alizadeh) Is this supposed to be there?

A That's correct.

Q All right, good. So looking at these photographs starting at the top left. And what direction is the photographer facing?

A Primarily west.

Q And that would be on Canfield Drive?

A That's correct.

Q And from that first photograph, is she straddling the cone that appears in the photograph on the back of the exhibit?

A Yes, ma'am.

Q Okay. And so from this location, can you see the location where would have been?

A You can.

Q And where is that?

A It would be at this point right here.

Q And in the photograph you can see kind of the corner of a white house or structure?

A That's correct.

Q Is that the house where he was?

A That is the house where he was working.

GRAND JUROR: I have a question about . You mentioned, I guess, when we were here Thursday that you talked to the homeowner?

A I talked to the individual who resides at that home and I also talked to the homeowner, yes.

GRAND JUROR: And they said, what was their response to him being there?

A Neither one could remember exact dates, but it was around that time they did both confirm that there was work being done on the home around that time and they both confirmed that there was an individual there. They didn't know names, there was an individual there that was doing some sort of drywall and painting work at the house.

GRAND JUROR: I kind of find that a little strange because when he sat down with us, he told us that he specifically told whoever was at that house what had happened?

A I asked her about that, and she said that she remembered talking to him briefly, didn't remember what they had talked about and that she ultimately left for work.

Q (By Ms. Alizadeh) Let me ask you this, given that you actually have been to that residence, did you make any attempts for yourself to stand in

the location where you believe stood and look down Canfield to see for yourself what someone in that position might be able to see?

A I did.

Q And from where, from your observation, would a person standing at the location where said he was, could they see where the police vehicle was?

A They could.

Q And could they see where the farthest easterly point where Michael Brown, witnesses say he may have stopped and turned around?

A Yes, he could.

Q Could you also see the place where Michael Brown's body came to rest?

A Yes.

Q Are there any obstructions between where from your observation from that vantage point to any of those locations is there any obstructions that would be in your way?

A The only obstruction would have been the trunk of this tree right here. I don't know if everyone can see that. There is a tree right there and the trunk of that tree would have been the only obstruction.

GRAND JUROR: How big is that trunk, how wide?

A I don't know specifically, but clearly the only reason I mention that is in the interest of full disclosure, that's the only --

GRAND JUROR: According to your judgment, it is not a big, wide tree?

A No, it is a grown --

GRAND JUROR: Full grown tree?

A It is clearly a grown tree, but in the grand scheme of looking at a particular incident, one tree that is at a distance, I didn't view it as something that would have impeded my ability to see the entire incident.

GRAND JUROR: Thank you, sir.

A Yes, ma'am.

GRAND JUROR: From his distance where he was standing, could he actually see the movements, you can see a person standing, but could you actually physically see the movements of Michael Brown?

A So just by chance when myself and another detective were at this home right here, there was quite a few people walking around in this general area and up to and including someone walking what

would be roughly, again, at the intersection of Coppercreek Court and Canfield Court. And you can clearly see that individual and I could clearly see that individual and I could see hands moving and I could see where they were moving their hands if walking like this, I would be able to see the movement of their hands, yes. (indicating)

GRAND JUROR: Could see their facial expressions?

A I don't remember.

GRAND JUROR: Okay.

A I don't remember.

GRAND JUROR: All right.

MS. ALIZADEH: Any other questions?

GRAND JUROR: How soon after the incident were these photos taken?

A I don't, I could check for you and get you an exact date.

GRAND JUROR: Okay.

A But I don't remember.

MS. ALIZADEH: The dates the photos were taking, is that what was asked?

GRAND JUROR: Right uh-huh.

MS. ALIZADEH: I'm guessing that might be, you know what, it might be the date they were

printed that's on the back, we'll find out.

Do you have your report on your laptop?

A I do.

Q (By Ms. Alizadeh) He brought that so he could answer questions if there were questions like this.

A So we were out there at roughly 8:30 a.m. and it would have been on Wednesday, October, yes October 1st.

GRAND JUROR: The 1st?

A The 1st of October, yes, ma'am.

GRAND JUROR: Could I make another comment? Conceivably the abundance of foliage during that course of time from August until October when the photos were taken, so there may not have been as much foliage? I know you are not a botanist, I understand that.

A That was a consideration that we took, we took that into consideration in doing those photos. We wanted to get it, obviously, before the leaves started to change. If you look in these photos here. The foliage is still green. I'm not saying that, obviously, there are leaves in these photos right here, but the foliage is clearly green at that point when photos were taken.

MS. ALIZADEH: Any other questions? Okay.

Q (By Ms. Alizadeh) And then, Detective, also looking at this first image, if there were vehicles that were coming around this bend and proceeding eastbound on Canfield Drive, someone looking out of their front windshield would be able to see the police vehicle, correct?

A Yes, ma'am.

Q As well as the place where Michael Brown's body rested?

A I believe so.

Q And could they see the corner from their vehicle?

A Yes, ma'am.

Q Okay. And so then in the second photograph, and this is turning clockwise, correct?

A Moving clockwise, yes.

Q So what building is this in the map?

A This building right here. (indicating)

Q Yes. Is that the same as this building right here? You see a white SUV in front of these buildings, this is same building, right?

A So we're moving clockwise so this would be --

Q Looking west?

A Westbound, correct, you're asking about this building right here. (indicating)

Q This building is the same as this building?

A That's correct.

Q What number would that be?

A That would be Building .

Q What witnesses were in Building Number

A And in Building would have been .

Q Okay. And so if they were on the front of their building and looking toward the photographer, who is standing in this grouping, this is where Michael Brown's body was; is that correct?

A That's correct.

Q They would be able to see Michael Brown's body in the street?

A Yes.

Q And this building right here on the second photograph?

A Correct, that would be Building .

Q Who is in that building?

A In Building would have been and would have resided in the building. It would have been moving from that

building towards the, between her building and the dumpster.

Q And then also somewhere in this area would have been where parked her car and walked over in an easterly direction, correct?

A That's correct.

Q And is 's apartment this one right here? (indicating)

A It is actually, would be on this side, so the western side of this stairwell right here, but this balcony right here is connected and there is obviously a balcony on this side that you cannot see that would be consistent with this one on the eastern end.

Q We talked about the fact that there is, there's a balcony that's connected on the fronts of these buildings, but there's a wall that will at some point block somebody's vision depending upon where they are on their balconies and what they are looking at, is that fair to say?

A That's fair to say.

Q So depending on where somebody is on these balconies would depend on whether or not they could see something in the street?

A Right.

Q Okay. And so in the third image now, again, moving clockwise, you see 's apartment?

A Yes.

Q Okay. And then were there any other people in Building Number ?

A Not in the building, no.

Q Okay. And then on the fourth photograph, again, moving clockwise, we can see this memorial here that's by a light pole. Is this close to the area where witnesses said he had stopped and turned around?

A It is.

Q And from this photographer's vantage point, again, you can see that dumpster in the background?

A That's correct.

Q And you can see 's building?

A Right.

Q This Building Number , would this be this building back in the background?

A That would be Building .

Q Who was in Building ?

A Uh, and .

Q Okay. And then looking at the next

photograph, again, moving clockwise then, now we are looking down Canfield Road and east down Canfield; is that right?

A That's correct.

Q And, again, you can see the place here, correct?

A That's correct.

Q And you can see 's building?

A Correct.

Q And what buildings are back here?

A That would be buildings, in terms of where witnesses were located, Buildings and then closer to that you can see a portion of Building and it looks like possibly a portion of Building .

Q And so what witnesses were in Building Number or near Building ?

A Building would have been and .

Q All right. In Building , we didn't have anybody from Building that said they were near or in Building ; is that correct?

A That's correct.

Q And then the sixth photograph in the group, again, turning clockwise. What building number is this in the left-hand side in the

background here?

A I believe that is a portion of Building and then in the front here would be Building .

Q And then is this a different building right here?

A Same, different address, same building.

Q Okay.

A So it is and , which are both part of Building .

Q Were there any witnesses in Building ?

A Yes.

Q Who is that?

A or .

Q He said he was in like the first floor, which is basically slightly below street level, correct?

A Correct. As a frame of reference, I would say roughly about that high below street level.

Q So if he were on his patio right outside his front door street level would be about three a and a half, 4 feet?

A Roughly.

Q And then clockwise, again, looking at Photograph Number 7, I think?

A We're looking at the same building,

primarily Building there.

Q All right. And then Number , or the next photograph?

A Sure. Now this photo essentially is facing south. And we can see, again, a portion of Building and unrelated building off in the distance where we didn't identify any witnesses and then in the far right-hand side of the photograph we can see building, a portion of Building .

Q All right. Would this parking lot that we see here, I'm not sure on this, thinking from my vantage point, would that be where said that she parked her vehicle?

A Yes.

Q Okay. And she indicates that she was standing in front of Building smoking a cigarette with some unidentified man?

A Identified as building, not building, Number on the map here.

Q Okay. And then is there another witness in Building Number ?

A Yes.

Q And who is that?

A .

Q Or

A I'm sorry, .

Q So , and he said he was inside the building and looked out his window and he saw some or all of this incident, correct?

A Yes.

Q And so then in the next photograph, turning clockwise still, is that also Building Number ?

A That's also Building , yes.

Q And then the final photograph you come full circle again, now west down Canfield Drive; is that correct?

A That's correct.

MS. ALIZADEH: Any questions about this grouping or witnesses?

GRAND JUROR: I didn't get the very first white van?

A This one here?

GRAND JUROR: Uh-huh.

A This is Building , which is right here.

GRAND JUROR: Okay.

GRAND JUROR: Where was apartment here in Building .

A His apartment would have been, it is hard to see.

GRAND JUROR: Okay.

A So the second, yeah.

MS. ALIZADEH: Any other questions about this group of photographs?

And, of course, you can always ask later. At this time let's take a quick break while the detective and I redo the photographs and put them in the correct order and then we'll finish with that board and then we'll probably just go on to your questions about the investigation.

(Recess)

MS. ALIZADEH: This is Kathi Alizadeh and Sheila Whirley is present, we took a short break while the detective and I rearranged the photos in the top row. The rest of them, apparently, were right, but I had gotten the top row wrong. So let's start over with this board, which is 105. And again, based on the photograph that's on the back of the board, you can tell what perspective these photographs were from which is from where, Detective?

A Again, this is from the eastern most point that witnesses had identified Michael Brown's traveling on Canfield Drive. So, again, we are talking about the intersection of Coppercreek Court

and Canfield Drive and the northwest, northern portion of the intersection right there.

Q (By Ms. Alizadeh) Okay. So the first photograph, again, all of these photographs are the photographer standing or straddling the cone that was placed there, and these cones that you placed for the photographer's benefit, were these based on measurements that you did that day?

A They were based on measurements that were taken on August 9th and then measurements, again, that we did on the day that these photographs were taken, yes.

Q And so you are talking about the measurements that were taken by Detective on the day that he documented the crime scene?

A Yes.

Q Okay. And so you used those measurements and then measured for yourself to determine exactly where the police car was, and exactly where the body was, and of course, the exact location of where Michael Brown stopped and turned around is just based upon various witness accounts; is that right?

A That's correct.

Q And so for these photographs, this is the best of your information that this would have been

the farthest east that he went before turning around?

A The best information we had at that time, yes.

Q Okay. Is there any change in that? You said at that time?

A No, no.

Q Okay, all right. So in the first photograph, again, we're looking down Canfield Drive, correct?

A That's correct.

Q And the, in the background somewhat, maybe midrange in that photograph, you see the memorial where there is another cone and there's flowers and candles and stuffed animals, is that the location where Michael Brown's body was?

A That cone has nothing to do with the cone that we placed. That cone was there when we arrived and that cone was left there, obviously, when we left. We brought our own cone. I would discount the meaning of that cone.

Q Okay. But that general location, so someone who was standing where the photographer is, you can get a feel of how far away Michael Brown's body came to rest in this first photograph, correct?

A Correct.

Q Okay. And then the second photograph is moving clockwise?

A Yes, ma'am.

Q And what building is that that we see?

A Building right here. (indicating)

Q And I think we talked about it, but let's recap, looking at the first photograph there, can you see the corner of that white house where says he was?

A You can.

Q Okay.

A It is right there. (indicating)

Q Now looking at the second photograph you said you see what building number is that?

A And the second photograph that's Building .

Q And that would be where lives, correct?

A That's correct.

Q And I'm just going to really quickly go through these again. Three, you are moving farther clockwise?

A Yes.

Q And you see the dumpster where the

were close to, correct?

A Correct.

Q And that would have been where and possibly were, correct?

A Correct.

Q And then in the fourth photograph, again, turning a little more clockwise. In the background, can you see what buildings?

A That is Building right here. And then if we move to the left, we moved onto Building and this is a portion of Building right here.

Q All right. And then the fifth photograph now you are looking east on Canfield Drive, correct?

A That's correct.

Q And again, you see a number of buildings in the background there?

A Yes.

Q Those would be?

A Building .

Q I'm sorry. , which is on the north side of the street?

A Yes.

Q And then what are the buildings on the south side of the street that are visible?

A Building , Building , and that may be

a portion of Building right there.

Q Put your laser pointer on Building again?

A Building .

Q And that was where the and were, correct?

A Right.

Q And then turning a little clockwise. In the 6th photograph in the group. What building's visible there?

A This right here would be Building , and this right here would be Building , a portion of Building .

Q And Building is where lives?

A Right, yes.

Q And then on Photograph Number ?

A We've moved onto it. This is entirely Building right here.

Q And then building, I'm sorry, photograph the 8th photograph?

A This is Building here again, and now we see a portion of Building right here.

Q And that parking lot that is seen between those two buildings, that is the parking lot where

says she parked her car; is that right?

A Yes, ma'am.

Q And then in the 9th photograph, moving clockwise?

A We are essentially seeing that is all Building right there.

Q And that would have been where was?

A Correct.

Q And then also in that image, let me see. We talked about seeing the mailboxes in one of these images. I hope it is in these. Pointing here, can you put your laser pointer right here. There is a black vehicle that appears to be parked there and then there's something behind the black vehicle. Would that be about where those mailboxes, those metal rows of mailboxes were?

A It is. If you look at Photo 1 here, you can see the top, you will have to take my word for it, that's the top of the mailboxes right there.

Q And that would be where said she was near the mailboxes where she ended up. She traveled from one point to another, correct?

A Yes, ma'am.

Q Okay. And then finally in the 10th photograph, again, we have come 360. You are looking back down west on Canfield Drive, correct?

A That's correct.

MS. ALIZADEH: Anybody have any questions about this group of photographs? Did I confuse everybody by redoing them? Are you all okay with this?

GRAND JUROR: I just have a quick question about the photographs that were taken from the vantage point of the officer's vehicle. Is this taken from like where his, the door of his vehicle was, you know what I'm saying, or was it like midway of the vehicle?

A It was taken from the driver's side front tire.

GRAND JUROR: Driver's side front tire.

Q (By Ms. Alizadeh) So where the cone was from that perspective, was from where the left front tire of Officer Wilson's vehicle was on the street?

A Yes.

GRAND JUROR: I just want to clarify for everybody and myself, the only cones we should pay attention to are the ones that are orange and white, the solid color orange someone else put there.

A The only cone that I would pay attention to is the cone that identifies in that first photograph where the detective would have been taking the photographs from. So I guess on the back here where we've identified is where we were actually taking the photographs from.

So, yes, you are correct, these cones here, both of these cones here and this cone right here were obviously already there, we didn't place those there and those have no bearing in terms of the measurements that we took.

Q (By Ms. Alizadeh) So when you would move from one location to the next to take pictures, would you remove the cone that you had previously placed?

A Yes.

Q So any cones that appear on the front of these boards are not cones that you have placed?

A That is correct.

Q All right. And then if you look on the back of those photographs, the cone that appears in those, on the back of the boards, the photograph that appears on the back of each board shows the cone where you placed it. Do show where the photographer was going to stand?

A Correct. Had I known there was going to be cones out there already I probably would have taken something different for us to bring, but I didn't know that.

MS. ALIZADEH: Any other questions about these photographs?

Q (By Ms. Alizadeh) Just briefly talk a little bit more about in this particular case the investigation and about the taking of witness statements.

Virtually, not virtually, but almost all of the witness statements in this case that were taken were audio recorded, correct?

A Yes.

Q And was there any reason for that, was there a decision why you were going to audio record certain statements or all of the statements?

A By and large when we conduct homicide investigations, we record anybody with any pertinent information. And that's in this particular case or any other homicide investigation we are conducting. So it is essentially standard procedure for us to do that and so we did that in this particular instance too.

Q And many of these recorded statements that

we've heard that other officers have taken have been at libraries. Detective was at a library when he talked to , correct?

A Yes.

Q Different officers or detectives went to people's home to interview them. There was a witness interviewed at the NAACP headquarters and so would each detective have available to him a digital audio recorder to take with him if he were going to interview witnesses?

A They are assigned by the departments their own recorders and we essentially carry those with us everywhere we go.

Q I believe it was Detective and Detective who talked to , and , the , I think it was that took the first statement from them that was audio recorded, correct?

A That's correct.

Q And then Detective took another statement from them later, what was the reason for his second statement?

A The second statement was taken because we had received information that both and had shortly after the incident took

place written notes or written a document outlining what they had witnessed. And, obviously, that would be something that we would want to view if they would give us permission. So we went out and contacted them and asked for permission to view those items.

Q So the fact that they both made written statements, they did not disclose that to you when you first, when Detective first talked to them, would that be correct?

A That's correct.

Q So there was a decision made once you found out about these written statements, somebody else needed to go out there, talk to them again and try to get these statements from them, correct?

A Yes.

Q Okay.

GRAND JUROR: How did you find out about the statements.

A I believe it was their supervisor had made reference to it when we were contacting him. So they were originally told by their supervisor to write down their comments or write down their account of what they witnessed. So they did that and that was ultimately conveyed to us and so then

we went out and talked to and and asked that it was true, and they indicated it was and we obtained those.

Q (By Ms. Alizadeh) Now, there was yet again another interview conducted of and after Detective had talked to them a second time?

A That's correct.

Q What was the reason for the third interview?

A During the course of the investigation, obviously, it is an evolving investigation and we've we're learned things on a daily basis. If I can go back in time to when we were contacting Dorian Johnson.

Q And that would have been on the 13th?

A Yes, ma'am. So during the course of Dorian Johnson's interview, he talked about speaking with, he didn't mention them by name, and . And during the interview with Dorian Johnson he made reference to and talking with Michael Brown about marijuana and about waxing.

I had no idea what waxing was. We later learned that waxing delivers essentially a

high concentration of THC to an individual in a very short period of time. So THC is the active ingredient in marijuana.

That didn't necessarily mean much to me until we learned from the autopsy report that Michael Brown had THC in his system and we learned that after speaking with Dr. from the St. Louis County Medical Examiner's Office, that his level was elevated to the point where it could have potentially caused a loss in perception of space and time and there was also the possibility that there could have been hallucinations. He couldn't say that for sure, but that is a potential effect of high levels of THC in an individual.

So knowing that waxing delivers a high level of THC to an individual in a relatively short period of time and knowing that from Dorian Johnson, Michael Brown had had conversations with and about waxing, we thought it worth exploring the possibility that either gave, or provided, or sold wax to Michael Brown. And if that was the case, it could have potentially explained some of the behavior that we witnessed from Michael Brown on the audio, I'm sorry on the video at the

Ferguson Market and help explain some of the things taking place in this particular incident.

Q All right. Now, had either or in their first two statements to County Police said anything about having discussions with Michael Brown about waxing?

A No.

Q All right. Did you make a decision that you were going to attempt to reinterview both of those gentlemen?

A We did.

Q Now, on this occasion though, you did not go out to their homes or their places of employment or a library, you actually brought them into the county police department and put them in an interview room where you often interview suspects, correct?

A We contacted at his home and requested he accompany us back to our office and he agreed to do so. We contacted at a job site that he was working on and we did the same thing for him. We asked him to accompany us back to our office for an interview and they both voluntarily agreed to do so.

Q So they were not under arrest?

A They were not.

Q And when they were brought to your headquarters, did you bring them in during the same evening?

A Yes.

Q Okay. Did you interview them separately?

A Yes.

Q And those interviews we seen were video and audio recorded; is that right?

A Yes.

Q Prior to interviewing them you advised each one of them of their Miranda Rights?

A We did, yes.

Q And that wouldn't be something that you have done with other witnesses in this investigation giving them Miranda Rights, is that fair to say?

A That's fair to say.

Q And so why is it that you felt that you needed to advise these two of their Miranda Rights?

A Miranda applies if there is an incident where there is custody and meaning individuals in custody, and there is a potential that we're going to ask guilt seeking questions. They were obviously not in custody, however, we were going to be asking them a series of questions and the purpose of the

interview was to bring them in and ask them about this waxing.

So we were going to be asking them a series of questions regarding waxing and the use of it and whether they had provided or sold or done anything to give Michael Brown and/or Dorian Johnson marijuana or wax.

And so based on that, I felt it was in our best interest to error on the side of caution, be safe, there is nothing wrong with doing this and just Mirandize them just in the sense of we are going to be asking them guilt seeking questions. That could potentially impact future situations if they were to provide us information that could implicate them in a crime.

Q All right. And so now when you brought each of those individuals in and began your questioning of them, you know, we've seen the videos, they both deny having anything to do with giving Michael Brown or Dorian Johnson any control substances, is that fair to say?

A Yes, ma'am.

Q And they denied it from the beginning and yet you continue to question them for a substantial period of time; is that right?

A We did, yes.

Q Now, this interview, how are these interviews different from the interviews that you have done with other witnesses because these two men were eyewitnesses or claim to have been eyewitnesses to a shooting?

A That's correct.

Q Not suspects in the investigation, not even subjects in the investigation, but witnesses?

A Correct.

Q Why treat them differently than you did other witnesses in this case?

A Well, if you've seen the video, you'll notice that we stayed away from discussing their accounts of the incident itself. And the incident I mean with Darren Wilson and with Michael Brown.

Our motivation in speaking with them was purely to discuss the waxing aspect of it to see if there was anything that we were missing in this particular instance.

So the reality is, when we speak to people, we're not always told the truth in terms of, right away in terms of what is going on. That's the reality of our job, sometimes people tell us the truth, but in other instances they do not.

I mean, very few people are willing to come into an office and tell a deep dark secret or tell some sort of illegal activity that they've done after they have just met someone in a very brief period of time.

So as such there are various types of interviews that we can do. We can do it what I'm going to call just a pure fact gathering interview where we sit down with somebody and we just document what they've told us.

There are nonconfrontational interviews where we can generally discuss a topic with an individual in attempt to elicit information and there are what I would call a direct confrontation interview where we are directly confronting people and calling out those individuals on any inconsistencies or anything that we may believe that they may not be telling us the truth on.

I don't have a hard and fast rule by in large, I don't have a hard and fast rule how I conduct one interview. A lot of it is just based off of how a particular individual is reacting in an interview or how a particular interview is going, but ultimately we are looking for the truth and

sometimes it is hard to get that out of people initially. So we have to press them and we ask questions repeatedly and kind of like a salesman, we don't take no for an answer the first time.

We, obviously, have an obligation to get to the truth to some extent and part of that is pressing people to see if they're really telling us the truth.

Q But it is true, isn't it, Detective, that throughout your interview or interrogation of these two men, neither one of them ever admitted or said that they have been in any way involved in providing controlled narcotics to Michael Brown or Dorian Johnson; is that true?

A Yes, that's correct.

Q And your investigation has failed to find any information otherwise; is that true?

A That's true.

Q And I think we discussed briefly and again I'm going to reiterate here, to your understanding, now you've completed your police report in this case; is that right?

A I have.

Q How many pages is your police report?

A I don't know exactly, 1,100, 1,200

roughly.

Q And so you've concluded your police report, but in reality does this investigation continue so long as there are witnesses who might come forward or want to be interviewed?

A I would always add a supplement to the report that has been submitted if more people came forward, yes.

Q And isn't it true, Detective, or let me ask you this, if at the conclusion of this grand jury investigation if there is information that comes to you regarding this investigation that is in any way relevant or pertinent to this investigation, would you bring that to my attention?

A I will.

Q And you're aware that there is no statute of limitations for murder or for class A felonies, correct?

A I'm aware of that, yes.

Q And that a prosecution against Officer Wilson could be brought at any time. In other words, even 50 years from today?

A I'm aware of that, yes, ma'am.

Q And if there would be, let me ask you this. You've reviewed a number of videos that

people have recorded from various devices, cell phones mainly, who claim to have recorded the shooting; is that right?

A That's correct.

Q Have you ever discussed a video that actually shows any part of the confrontation from the beginning where from the officer stopping to first confront or talk to those two boys all the way to the shooting itself?

A I have not.

Q Okay. Every video that you have seen in relation to this investigation, video of the aftermath of the shooting?

A Every one, yes.

Q Have you heard rumors that there's videos of the shooting out there?

A I have heard those rumors, yes.

Q Have you done investigation to try to discover whether those rumors are true or track down people that have videos of the actual shooting itself?

A Yes, we have.

Q And have those leads produced anything?

A No, they have not.

Q And you're aware that even after this

investigation by the grand jury is concluded, we've discussed this, the possibility that there is for some reason somebody out there has a video that they have not come forward with, if that video were to be discovered by law enforcement, we could represent this to a grand jury; is that correct?

A That's correct.

MS. ALIZADEH: All have heard the term double jeopardy. Double jeopardy does not apply unless there is a trail jury that considers the facts. And so if a case starts, if there is a trial that starts with a trial jury, that's when jeopardy attaches and someone can never be tried after that if there's a verdict or after that they can't be retried.

Your decision, though, does not create jeopardy. In other words, there's no reason that there couldn't be additional investigation in the future or another consideration by probably not you all probably would be another grand jury if there would be something down the road, but in this case, Detective, you're aware still that the federal authorities have not concluded their investigation; is that right?

A That's correct.

Q (By Ms. Alizadeh) They're still looking for people?

A Yes.

Q Still trying to talk to people who have been unwilling to talk?

A Yes.

Q And if down the road those witnesses were to come forward with relevant information that may change the investigation, you would bring that to my attention wouldn't you?

A I would.

MS. ALIZADEH: Sheila, you have questions?

MS. WHIRLEY: Just a few.

Q (By Ms. Whirley) Regarding the accuracy of these perspective photos, you don't walk it out with the witness that you gave information to test the accuracy of it? How do you come up with, you may have already told us, I thought you did, I want to understand how accurate the photos are.

A Sure. In terms of on August 9th, one of our crime scene detective's jobs was to take various measurements of items of evidence at the scene. And he used what starts as a baseline at Coppercreek Court and Canfield Court, and used this baseline here and measured items during the entire, I should

say, within the entire crime scene and those items were documented in a diagram that he completed with specific measurements, feet down to inches.

So when we went back out there to take those 360 degree panoramic shots, we based, obviously, Coppercreek Court and Canfield Drive is subjective in the sense that we are basing that off of where, again, witnesses were telling us is the furthest point east that Michael Brown would have went.

So that is a subjective point that we use that intersection, northwest corner of that intersection right there.

However, the point where Michael Brown's body was located and the point where the vehicle was located, was measured on that day based off the measurements that were taken on August 9th.

Q And when you take photographs showing where people live and what building that they would have, their vantage point was, that's based on statements that they gave you as to where they were located?

A Yes, ma'am.

Q Okay. So if you don't have that exactly right, then that's not going to be accurate?

A Correct, I am basing it only off of statements that they were able to provide to us, yes.

Q Okay. And then you knew that swabs that were taken, evidence was gathered for DNA in this case?

A Yes.

Q The officer's belt, the officer's gun, some other items?

A Yes, ma'am.

Q You were part of that or your team decided what to seize as evidence?

A For the most part, yes.

Q Okay. And there's been testimony that Michael Brown was grabbed by the throat, was his throat swabbed for DNA sample?

A Was Michael Brown's throat?

Q Throat swabbed?

A I don't believe so.

Q You may not have had that information when you gathered that information. Had you ever heard that before that he was grabbed, the officer grabbed him by the throat?

A I had heard that and as I sit here today, I couldn't tell you what day I heard that.

Q But you do know, no one collected a swab of his throat, his neck?

A I don't believe his neck was swabbed, no.

Q Okay. And if it was, you would know about that; is that right?

A I would have a report, yes.

Q Okay. Now, you actually had an interview with the officer, Darren Wilson, on, was it the 10th?

A Yes, ma'am.

Q When you interviewed him?

A Yes.

Q And you allowed him to tell you whatever he wanted to tell you, right?

A That's correct.

Q You weren't stopping him from giving you information at any point; is that right?

A I asked clarifying questions, but I did not stop him, no.

Q You even asked him was there anything that he wanted to tell you that you hadn't asked?

A I do that at the end of all interviews, yes, ma'am.

Q And it was recorded?

A It was, yes.

Q And I believe when you asked him that his response was, I think we're good, does that sound right?

A That sounds right, yes.

Q So he never told you that he chased down, chased after Michael Brown because, and continued to pursue him and eventually killed him because he was in fear that Michael Brown would attack other officers who were coming to the scene, did he ever tell you that?

A He did not say that, no.

Q Okay.

MS. WHIRLEY: That's all I have at this time.

GRAND JUROR: I know that you and, I guess it was Detective and Detective , Detective , I think he was responsible for collecting the duty belt; is that right.

A Detective collected the duty belt.

GRAND JUROR: Detective collected the duty belt?

A Yes.

GRAND JUROR: In your interview with Darren Wilson, did he tell you he wanted to use his pepper spray at one time, but he didn't. He thought

about using it and then he thought again because he didn't want it to come back in on him?

A I don't remember the exact phrase that he used, but he made mention that he thought about using his OC spray or his --

GRAND JUROR: Mace.

A Mace, as you said. But he also made mention that he realized he was in a confined space, meaning his vehicle and in a confined space, that obviously can affect other people, not just the intended target I think is what he was implying.

GRAND JUROR: So we later found out from that mace or pepper spray is assigned to each patrolman and we got our report from, I guess , and no pepper spray was turned in. Did you know about that?

A No, I did not.

MS. ALIZADEH: Let me clarify this, okay. So, Detective, the duty belt, what's a duty belt?

A A duty belt is essentially a belt that goes, obviously, on top of the pants and shirt that you always wear above a normal belt that contains the equipment that a police officer is going to wear during the course of his duty.

So it has a place for his weapon, his

extra magazines, his baton if he carries one, his handcuffs, his radio holders, his mace, his taser, anything that would be deemed necessary for an officer to use in the course of his duties.

MS. ALIZADEH: And you are aware, aren't you, that on the night or the afternoon following the shooting, Detective , who is the one who went to the Ferguson Police Department and seized the gun, did not seize Officer Wilson's duty belt, correct?

A I'm aware of that, yes.

MS. ALIZADEH: And did not inspect the duty belt or photograph the duty belt, correct?

A That's correct.

MS. ALIZADEH: And was it sometime later in the investigation that you contacted me and indicated that Darren Wilson's attorney asked us if we wanted the duty belt?

A That's correct.

MS. ALIZADEH: And what date was that that Darren Wilson's attorney contacted you, asking if you wanted the duty belt?

A I'll look it up here to be sure. Friday, September 12th.

MS. ALIZADEH: So more than a month after

the shooting, correct?

A Correct.

MS. ALIZADEH: And did the attorney tell you where the duty belt had been all this time.

A He did. He indicated that the duty belt was placed in the trunk of Darren Wilson's personal vehicle when he left the Ferguson police station and that is where that duty belt remained until it was brought to our attention. And then from there he removed the belt from his vehicle and put it in a box and that box was then released to us.

MS. ALIZADEH: So typically, Detective, is a duty belt actually the personal property of the officer, is that something that they go out and get for themselves and it is their duty belt or did they trade duty belts with other officers.

A I can't speak personally but for St. Louis County, St. Louis County provides those duty belts to each individual officer, but obviously property of St. Louis County. But in the sense of trading with other officers, no, there is no trading with other officers. Once that belt is assigned to a particular person, it is that particular person's belt.

Q (By Ms. Alizadeh) So at the end of their

duty they would, they could take that belt home with them that had their gun, their handcuffs, magazines?

A Yes, ma'am.

Q Whatever is on the bet, that's goes home with them?

A It does, yes.

Q They don't leave it at the station for the next shift?

A They do not.

Q Okay. So now when you called me up and actually talked to me about having been contacted by Darren Wilson's attorney about the duty belt, we had a discussion about that; is that right?

A We did.

Q And we talked about whether or not we should seize that duty belt?

A We did.

Q And between you and I we decided it was a good idea to get it?

A That's correct.

Q And when the duty belt was seized, however, the officer's gun, of course, is not in it because that was seized by Detective correct?

A That's correct.

Q The other items that are contained in a duty belt, do you recall if those were in the duty belt?

A I would have to look at the photos to know for sure.

MS. ALIZADEH: Okay. I believe, have we seen photos of the duty belt, have you guys seen those?

GRAND JUROR: We have a list of what was on it and what was fingerprinted.

MS. ALIZADEH: Let me double check because I know I didn't call the witness who seized the duty belt. We have the duty belt as one of the items for you all to look at, but as far as whether there was anything in the duty belt, those photographs would show it. When we break for lunch before you begin deliberating, let me go back and check and give you those photos, okay.

But at any rate, if there was things on the duty belt after the shooting, it is obviously conceivable that Darren Wilson, since he had possession of that duty belt from the day of the shooting until it was seized September 12th, could have removed things, could have changed things around and what have you, correct?

A That's possible.

MS. ALIZADEH: We also discussed whether or not we would try to process the duty belt either for DNA or fingerprints, correct?

A We did.

MS. ALIZADEH: And we discussed the fact that if you process for DNA, then you really kind of destroy the prints that might be on the item and vice versa, if you actually process for prints, then you might obliterate any DNA that might be on the item.

So did we discuss and talk about having it processed for prints?

A We did.

MS. ALIZADEH: And you're aware that the duty belt was negative for Michael Brown's prints?

A It was.

MS. ALIZADEH: I've got the duty belt, so whatever is on it, if there was anything on it when it was seized that would still be on it, would that be fair to say?

A It would still be in the same condition, yes.

MS. ALIZADEH: And that would be police procedure when something is seized, you package it

and document it in the condition that it was when you seized it and would have been photographed in that condition as well?

A Yes, ma'am.

MS. ALIZADEH: I do have photographs. If I haven't given them to you, I'll go get them.

GRAND JUROR: Considering this is a crime that we are sitting here discussing, um, wouldn't everything on Police Officer Wilson be considered evidence? My question is, why wouldn't his duty belt be detained the day of the shooting when pictures were taken of him before he went to the emergency room and of his uniform, why wouldn't everything be considered evidence that day because that is very important?

A Obviously, I wasn't at the Ferguson police station when the items that were originally seized on August 9th were seized. I agree with you in that it's important. I wasn't made aware of the fact that it wasn't seized until obviously a later date and I can't answer that question because I wasn't there.

GRAND JUROR: So how could you do an investigation if you haven't collected evidence?

A Well, clearly we collected evidence. We

just did not seize that duty belt on that particular day meaning on August 9th. We did seize, obviously, his weapon and his clothing and those things, but we did not seize his duty belt.

MS. ALIZADEH: Let me just ask, Detective, how long have you been a detective for St. Louis County?

A Almost eight years.

MS. ALIZADEH: And in your experience, have you ever had cases where during the course of the investigation, other things are made known and then you wish you would have done something that you now no longer have the opportunity to do?

A Absolutely.

Q (By Ms. Alizadeh) Now, Detective, I mean, Officer Wilson, was interviewed by at the hospital, correct?

A Correct.

Q And we know his duty belt wasn't seized that day?

A That's correct.

Q And it was the next day that you interviewed him at your headquarters, correct?

A Correct.

Q And I imagine was he in street clothes

when you interviewed him?

A He was.

Q And so whether he had his duty belt in the trunk of his car that day, regardless, you didn't seize the duty belt that day?

A I did not.

Q During your interview of him, did he talk about mentally doing a mental, I guess, inventory of the items on his duty belt during the time he says Michael Brown was assaulting him?

A He did make reference to that, yes.

Q And yet you didn't make any decision at that time to seize the duty belt?

A I think at that point I didn't know that it had not been seized.

GRAND JUROR: In your interview with Officer Darren Wilson on the 10th, what did he indicate to you as the reason why Michael Brown is leaving the car, why Officer Wilson exited his vehicle to begin pursuit what was his justification? I know what he told you us, I'd be interested in what he told you?

A I think two separate questions there, am I correct? The first question is, would you repeat the first question?

GRAND JUROR: What did Darren Wilson explain was his reason for exiting his police vehicle and pursuing Michael Brown on foot?

A To arrest him.

GRAND JUROR: That's what he told you on that?

A Yes, sir.

GRAND JUROR: I know we've heard evidence that Michael Brown after he turned around and advanced back towards Officer Wilson, and we have our diagram of the crime scene with the measurements on it and I just want to make sure I'm interpreting all of this right. So as far as physical evidence, we have the blood on the ground that was about 21 or 22 feet from where Michael Brown ended up. So we know for a fact that's a minimum distance he might have advanced and from eyewitness testimony that placed him at the corner of Coppercreek, that dimension looks like it is closer to 48 to 50 feet; is that correct? So that would be like an outer --

A I'm going to look at this diagram also just so I'm sure we are on the same page here.

So you're saying, obviously, this would be zero right here, right.

GRAND JUROR: The distance was 48 feet

2 inches according to this diagram.

A Correct, yes, sir. So we would say, and you made reference to the blood on the ground. So from this point here, the red stains in the roadway are identified what was later determined to be Michael Brown's blood as Items 19 and 20 on the key for the diagram. So Items 19 and 20, so the zero is here, identified as being 31 feet and 26 feet 7 inches, and this direction here, and then you're correct in saying if we continue to move west on Canfield Drive, Michael Brown's left foot and right foot for that matter are, 48 feet 2 inches, yes, sir.

GRAND JUROR: If I did the calculation that was 21 and a half feet?

A Yes, sir.

GRAND JUROR: Physical evidence, eyewitness reports would have doubled that.

A 21, 22 feet between the blood and where Michael Brown's body was when we arrived, yes.

GRAND JUROR: Okay. And a second question. We heard the audiotape that had the last ten shots on it, can you tell us exactly what that timeframe was from the first shot to the tenth shot there? We tried to approximate it, it was six or

seven seconds, but do you know exactly?

A I know that that audio was sent to someone at the FBI in Quantico who does testing relating to audio and things of that nature. I don't have that report in front of me and I wouldn't be comfortable in saying what those, what that analyst identified.

MS. ALIZADEH: I do have the report. I can give it to you. He did not time, there is nothing about the duration of the shots. The report just indicates that there were ten, what appeared to be ten apparent gunshots and a male voice speaking. It was just an analyst of the audio and it doesn't really say, it says nothing about duration of the shots.

So I'd be happy to get that report for you.

GRAND JUROR: There wasn't a craft line that showed time of duration?

MS. ALIZADEH: No, that wasn't done.

A Yes, sir.

GRAND JUROR: In your professional opinion, I'm not a blood splatter analyst, but say Michael Brown is standing around the area where we know his body fell and he's shot in the head, could where the blood landed potentially have been, I

don't know some trajectory or we to expect or understand that, I don't know what my question is.

If he was traveling from the baseline you marked as zero the corner of Coppercreek and Canfield that would somehow trail, is there a way to know?

A I'm not a blood spatter analyst either, but I think 22 feet would be an extremely unrealistic expectation that blood is going to travel that far.

GRAND JUROR: Okay.

GRAND JUROR: Did you have occasion to talk to ?

A I did.

GRAND JUROR: We heard of some testimony about, but we haven't heard directly, can you give us a quick synopsis of what he said happened?

A I guess, let me clarify first. When you are talking about you are making reference --

GRAND JUROR: To the person in the video that we have seen, because what I'm trying to determine is, you know, what was his demeanor in the store in person versus what we are seeing on a screen.

A The and the individual in the video, obviously, we may have discussed this last week does not speak English. So when we talk to him, we talk to him with an interpreter.

GRAND JUROR: Uh-huh.

A And through the interpreter he indicated that you're saying demeanor, meaning Michael Brown's demeanor?

GRAND JUROR: Yes.

A He said Michael Brown walked in and was using curse words. He couldn't recall what those curse words were. There was some degree of a language barrier there and he collaborated essentially what you saw in the video.

I showed him the video during the course of the interview that I conducted with him, I showed him the video and he corroborated that is obviously what took place from his perspective, but in terms of actual language, he knew that there were curse words he said, but the language barrier prevented him from explaining any further what he was saying.

GRAND JUROR: Okay.

GRAND JUROR: In your interview with Darren Wilson, his interaction with Michael Brown,

that he thought Michael Brown had a weapon of any kind?

A No.

GRAND JUROR: He didn't indicate or no, he didn't have a weapon? He didn't mention it at all or he said yes, I know he didn't.

A I would want to check the transcript for an exact account, however, at the point that I, remember, at the point that I interviewed Darren Wilson, there had already been one cursory interview completed with him or a safety statement completed with him. And in that safety statement and in that cursory interview, obviously, he made no mention of a weapon. So to some degree it was implied that there was no weapon involved in this on Michael Brown's part.

MS. ALIZADEH: Detective , do you recall, and his statement will speak for itself and you have a transcript of his statement, but do you recall in his statement to you him saying that he saw Michael Brown's hand go into his waistband?

A He did say that, yes.

MS. ALIZADEH: But he never said that he saw a weapon?

A Correct. Just in terms of seeing a

weapon, no, he never indicated that he saw one.

MS. ALIZADEH: Did he ever tell you that he thought Michael Brown was going for a weapon?

A In the sense of when Darren Wilson is making reference to Michael Brown putting his right hand, he described it as he put his right hand in his waistband and then started coming towards Darren Wilson. That would have been an instance where it could have been implied that, yes, there was a weapon there.

MS. ALIZADEH: He never said that, the interview will speak for itself, I want y'all to review it if you need to.

But he never said to you, I thought he was going for a weapon so I had so shoot him, or do you recall?

A I'm going to check my report.

MS. ALIZADEH: Okay. I'm going from my memory as well, I don't have copy of the transcript in front of me.

A So in the transcript here he makes reference to during his first stride, he took his right hand, put it under his shirt and put it in his waistband. And then as he continues, he again makes reference to still charging, and again, I'm reading

the transcript here, still charging, hand still in his waistband, hasn't slowed down. And then he again makes reference to the same thing, still running at me, hadn't slowed down, hands still in his waistband.

So he makes reference to it three times there and then one final time when he says, when he went down, his hand was still under his right hand, was still under his body, looks like it was still in his waistband.

So in that sense does he ever specifically say the word weapon? No. In that conversation that I'm having with him, me, as a police officer knowing that if an individual has his hand in his waistband, that is of concern to me personally.

And so it was implied, in my opinion, that he was making reference, that Darren Wilson was making reference to believing that there could have been a weapon in Michael Brown's waistband, however, as you said, he never specifically mentioned the word weapon.

GRAND JUROR: On that same note, we know that Michael Brown's hand was, had the severe injury with blood, so you would be able to look at the

shirt and shorts to be able to see if there was blood in that specific area, correct? I don't know if you can to verify, did you verify that? His comment that he saw him at his waistband or shorts or shirt, did you look to see on Michael Brown's actual shirt or shorts if there is blood in that area?

A There is both his shirt and his shorts are very bloody so.

MS. ALIZADEH: It may be difficult to tell whether it was from that or from the body laying in the street and so forth.

GRAND JUROR: When you interviewed Darren Wilson, did he at any time tell you how many times he thought he shot his weapon?

A He didn't recall. And realistically in my experience that is a normal acceptable answer to hear from a police officer who has been involved in a critical incident. Very often police officers either don't know, or get the number of shots incorrect. And I don't see that as being something that frequently occurs.

GRAND JUROR: Did he mention it to Detective in the preliminary.

A In terms of how many shots? You would

have to ask Detective that.

GRAND JUROR: For some reason I got he said he shot four times, four shots.

A I'm making reference to in terms of total shots.

GRAND JUROR: Uh-huh.

A Are you making reference to something?

GRAND JUROR: Total shots, yeah.

A No. I mean, clearly, I think he probably could deduce that when he went back to the station that his weapon carries 12 rounds in the magazine plus one in the chamber. And, you know, he can, obviously, I don't know that he did, count how many rounds he had left. But he didn't make reference to, he didn't know when I asked him.

MS. ALIZADEH: If you are looking for where that might come from, keep in mind that I had Sergeant testify about what he first told him, so you can review Sergeant 's testimony. We had testify about his cursory interview at the hospital, so you can review that. Neither one of those were recorded interviews keep in mind. And then there was the recorded interview with Detective , which you have that transcript.

And then finally, Special Agent

testified that she interviewed him, but her interview was not recorded as well. So you wouldn't maybe, you could look back at the transcript of her testimony and then also keep in mind that Darren Wilson testified before this grand jury and you could review his testimony to see if there's mention of how many shots.

A Yes, ma'am.

GRAND JUROR: What is the policy and procedure of when a police officer goes to the hospital to be examined as far as who is present in the room with the patient and the doctor?

A Well, I don't know that I can answer that question. Obviously, Ferguson Police Department may have their own policy in terms of how they handle a situation like that. I would say with St. Louis County, obviously, you would have the patient and I would assume that you would probably have a supervisor there who is there to provide support to an injured officer. I'm just talking in general terms here, provide support to an injured officer. And you may have another police officer there again to provide support or something needs to take place, but I can't specifically answer for Ferguson Police Department.

GRAND JUROR: And they would be present in the examine room?

A During any kind of examine taking place?

GRAND JUROR: (Nods head.)

A My guess would be that would be up to each individual officer whether they were comfortable with a co-worker or a supervisor being present.

Obviously, if they weren't comfortable, I'm sure a supervisor or co-worker would leave, but if they are comfortable, I'm sure they could stay too.

GRAND JUROR: And when the doctor is examining the patient, would there be a reason for the supervisor to be answering questions?

A I guess it would probably depend on what type of questions they would be answering.

GRAND JUROR: But they're not the patient?

A There is obviously an aspect to some sort of workman's comp or payment issues or any number of things like that could arise that a supervisor may take upon his, may take responsibility for. But specifically in any specific situation, I don't know. I think it would be entirely different.

Obviously, just as if any of us got hurt in a work place environment, I'm sure a

supervisor and/or co-worker would be there to assist in whatever way they could through the process.

GRAND JUROR: I have one question, I have a couple of questions, one in particular is about his visit to the emergency room. It says in his triage report that the patient presented with St. Louis County Police to the emergency room for evaluation from home.

And when we had somebody testify here, I just want, do you know if he went home first?

A He did not go home.

GRAND JUROR: Okay.

A He went to the Ferguson Police Department at the direction of Sergeant and he waited there until Detective arrived. And, obviously, Detective drove, not with, but followed Darren Wilson and I believe Colonel from the Ferguson police station to the emergency room.

GRAND JUROR: Do you know where Darren Wilson lives, or what street, or what I'm trying to determine is how far away he lives from the hospital?

A He lives quite a ways away.

GRAND JUROR: I just want to make sure I

understand what you were trying to say earlier, I know everybody has asked some questions about some of the things he told us here versus some of the things he told you about.

A Sure.

GRAND JUROR: I want to make sure I'm understanding what you are saying because with my work I'll talk a certain way with my co-workers then I would with this guy right here. So I'm assuming that it is acceptable for things to be inferred, I'm a little nervous, it is acceptable to go unspoken that you know could have happened, that he would have to explain to us.

A Can you give me a specific example of what you are making reference to?

GRAND JUROR: Several things. I can't remember what Sheila asked, but she asked a question and then he asked a question about did he say he was unarmed. He said, well, several times that his hand was still in his waistband and I can see where some people would say that he was holding an injury or something, but as a police officer, and as a fellow police officer, you don't know that's what he was doing, you think he could be, so you're taking as a police officer that doesn't have to be explained to

you.

A Correct, I think just like it is in any industry or any line of work, I think there are obviously things that don't necessarily need to be explained or as you said, implied in any industry.

And you make reference to the hand in the waistband. A hand in the waistband to me in a situation is an alarm in any given situation because I don't know as a police officer, I'm talking in general terms here now, I don't know is that person's hand cold or is it that they're going to pull out a knife or a gun or baton or whatever.

GRAND JUROR: So it is possible that the difference is in things that he told you and the way he explained things how he told us could simply be you are a police officer and you know the situation, you know the type.

A I think that's possible, yes. Specifically in the situation with the hand in the waist, I believe I knew what he was making reference to when he's talking about he makes mention to it four times, you know.

GRAND JUROR: It is a concern?

A It was obviously a concern to him and to me as a police officer, it would be a concern to me

also.

MS. ALIZADEH: Let me ask. I'm sure your lunch is here. If you want to follow-up with him after lunch, we can do that or you think there's another five minutes worth of questions we can try to finish with him. He's sticking around.

If for some reason during lunch you want to ask him something else, you know, we'll bring him back. But I know your lunch is probably here. Is there anything pressing right now that you want to ask him before break?

GRAND JUROR: When you spoke with or interviewed Officer Darren Wilson, at that time was he represented by an attorney?

A He was, yes.

GRAND JUROR: At any time did his attorney say that there's certain things that you cannot ask him?

A He did not, no.

GRAND JUROR: He did not.

A No. As a matter of fact, I think during the course of the interview his attorney maybe said two words.

GRAND JUROR: So he was present there with Darren Wilson?

A Yes, ma'am, yes. He was present in the conference room when we interviewed him. So it was myself, Detective , Darren Wilson, and Darren Wilson's attorney in the conference room.

MS. ALIZADEH: Correct me if I'm wrong, I believe we've heard that his attorney was also present with him at the hospital?

A He was, yes.

MS. ALIZADEH: Had actually ridden from the Ferguson Police Department with Colonel in the car with Darren Wilson, correct?

A I don't remember specifically if he was in the car, but he definitely was at the Ferguson Police Department and he definitely was at Christian Northwest Hospital with Darren Wilson, yes.

GRAND JUROR: A public citizen or police officer walking down to the park, they're sitting in a car and they are strangled and beaten to death, that's a homicide and there is no weapon involved; is that correct? Are physical hands ever a weapon or you beat me to death?

A Is it a homicide? Yes. A homicide is simply a manner of death, but more specifically a homicide is a death at the hands of another person so yes, it would be a homicide.

GRAND JUROR: And hands would be a weapon?

A Could be absolutely, yes.

GRAND JUROR: So I'm getting to the point this officer felt he was in danger of being beaten to death sitting in his car, you could almost say there was a weapon involved at that point, that's where I'm confused a little bit. I understand no weapon in the form of a pistol or handgun, if you are in danger, that your life was in danger that you are being beaten to death, is there a weapon there or not?

A Well, there's a weapon in the sense there is something in a hand?

GRAND JUROR: Right.

A No. Can you use your hands a weapons, yes.

GRAND JUROR: Right. There is no requirement to see a physical weapon, gun, knife, for a police officer or citizen to defend themself, or in the case of a police officer to use deadly force. You don't need to see a handgun to defend yourself with deadly force if you are police officer, you assume your life is in danger by means other than a physical weapon?

A If a police officer --

MS. ALIZADEH: Let me stop you here. We're going to give you prior to your deliberations what the law states when a law enforcement officer can use force, when a person defending themselves can use force, and when they can use deadly force.

And so, you know, this would be maybe his understanding of the law, but we have taken great pains to make sure we are going to get you the law so that I don't want anybody to misinterpret it. So I'm just going to stop you there and we'll give it to you before your deliberations okay?

GRAND JUROR: Okay.

GRAND JUROR: Kind of a follow-up on what he's saying.

Due to Michael Brown's size and demeanor, could Darren Wilson have considered him as a person as being a weapon?

MS. ALIZADEH: You know, these are all things there are, is the definition of deadly weapon including in there?

MS. WHIRLEY: We can put it in there, deadly force is in there.

MS. ALIZADEH: Here is the thing. You all know from being a grand jury for several months, that there's, you know, for example, with armed

criminal action, you know, you have to have committed a crime by, with, through the use of a dangerous instrument, a deadly weapon and there are definitely definitions as to what is a deadly weapon and a dangerous instrument.

I believe once you see the law that we've written, it talks about what a person, their reasonable belief is. And so those things that you are asking is, could a person reasonably believe that their life was threatened, that's the crux of what you all have to talk about. And again, it is necessarily appropriate for him to answer those questions, whether or not Darren Wilson could have reasonably felt that he was, his life was in danger is something you all have to decide. And be guided by what the evidence is and then what the law is that Sheila and I have put together based on the statutes and criminal instructions and jury trials, okay.

I don't want you to, I don't think it is appropriate for him to interpret the law. That's going to be your job and if you have questions about the law, because under the grand jury rules, we are your legal advisers. So if there are questions about the law as you are deliberating, you ask us

those questions because we are your legal advisers.

GRAND JUROR: Without relation to the law, have you in your dealings as a police officer, ever seen anyone knocked out by one punched?

A Have I personally seen it? No. Have I responded to calls where someone has been knocked out with one punch by a neighbor, a person at a bar? Yes.

GRAND JUROR: Everything that they are talking about, I just want to get back to the basics of what happened or see what happened. Necessarily walking in the middle of the street is not that big of a deal, but when it got to the point, I've heard it described as a tussle, a struggle and everything like that, so when a citizen and a police officer are in a tussle, that's a crime by the person tussling with the police officer?

MS. ALIZADEH: I'm going to stop you there.

GRAND JUROR: Why?

MS. WHIRLEY: We have a rule on that too.

MS. ALIZADEH: Because there are issues about who was the initial aggressor, whether or not the officer was making a lawful arrest, those are all things that the law will tell you. You can

consider whether you believe the officer's actions were lawful, and those are things that once you read the law.

GRAND JUROR: So you are going to give us those guidelines for us?

MS. WHIRLEY: Right.

MS. ALIZADEH: We're not going to give you the facts and say if he did this and then this, if you believe this, then this. But we're going to give you what the law says when a law officer can use force to affect an arrest and when that force can be deadly. And then also when a person can use force to defend themselves and when that force can be deadly.

There is all kind of things about whether or not the person is an initial aggressor, you know. And under the law, a law enforcement officer can be an initial aggressor, unless his arrest is unlawful. So there is all kind of things that go into that that I don't think he can answer those questions.

GRAND JUROR: As long as we are going to get those guidelines.

MS. WHIRLEY: You will get definitions also and you apply the facts as you know them to the law.

GRAND JUROR: Just in case you don't come back, I need this for me. When starting your investigation after you already interviewed Officer Wilson, okay. You heard A of the story, there's A and B, but B is deceased.

A Correct.

GRAND JUROR: My question is, you heard his testimony, starting your investigation, you have A in your mind and then you go interview all of the other witnesses. When B doesn't have a voice, you don't make that your main concern during your investigation, I'm asking you as a police officer or a detective.

A Okay. What's the question?

GRAND JUROR: So the question is, Officer Wilson's testimony told you his scenario what happened. Of course Mike Brown cannot speak.

A Right.

GRAND JUROR: You only have what part A said, you don't have part B. So going off what he said and you are starting your investigation, that's your focus point, so do you like try to put everybody's investigation towards part A or you trying to put this scenario together?

A Absolutely not. Do I try to put

everyone's toward part A as you made reference? In the initial phases of an investigation, it's simply to, I'm summarizing it here.

GRAND JUROR: Okay.

A It is simply to find as many witnesses as we can and gather the facts. There is no skewing to one side or to the other. It's essentially locate witnesses, obtain their statements from them, and it is to gather the evidence at the scene.

And then in this particular instance, right, I present it to you, ladies and gentlemen of the grand jury, and you can make the decisions from there. But there is no skewing one side either way, okay.

GRAND JUROR: Thank you.

GRAND JUROR: One last question. In your eight years as a detective, have you ever had to arrest a police officer?

A I have, yes, several times.

GRAND JUROR: Can you give one example?

A I've, well, this year I arrested a St. Louis County police officer for an assault.

Several years ago I arrested a city police officer for an assault. I've conducted other investigations into police officers where they have

been arrested for a sex crime. Those are the three that are popping up right now. I'm confident there are a few others one.

GRAND JUROR: Assault, domestic assaults or they --

A One was an on duty assault that took place at a MetroLink station and the incident was captured on video. The other one was an assault that took place, the officer was in uniform and he was at his station, he was getting off duty or had just gotten off duty and he assaulted several individuals and so obviously, both of those individuals I arrested.

MS. ALIZADEH: Any other questions?

And really, he won't be going far. If after lunch you think of something else you need to ask him to call him back, we're not going to start deliberations right now. So we'll conclude for lunch at this time.

(Lunch recess taken)

MS. WHIRLEY: This is Sheila Whirley, it is November 21st, I'm not sure of the time, it is after 1:14 or so. I did reach regarding his report and he advised me that his report would be more complete and detailed, and that he could have it to us by noon on Monday. I asked him what

would be different, you know, or significant, and he said that he would be able, he can derive from the photos that he viewed once he was here the bullet trajectory and the position that the body was in when it was shot.

When he was here, he basically answered our questions, but a report, when he would sit down and write a report it would be more comprehensive and detailed.

He said he didn't realize, he hadn't started working on it, he didn't realize he could submit one after his testimony, but he could work on it and have it ready by Monday noon, before noon. With that in mind, I know you didn't give us your answer as to what you had decided about the report, what do you think, do you want the report?

MS. ALIZADEH: Tell them the other option.

MS. WHIRLEY: I thought we would go to the other option if they don't want the report.

MS. ALIZADEH: They should know all of their options.

GRAND JUROR: If I'm hearing you right, in his report is he saying that based on the trajectory of the bullets he is going to show a diagram of positioning of the body that resulted in those

injuries?

MS. WHIRLEY: I didn't go into detail questioning of him, and that's where the other option comes in and we will talk about that in a minute, but what he said basically is his report will talk about the trajectory of the bullets and what position the body was in when it was shot based on his findings.

Now, the other option is, as Kathi was suggesting, I could find out if you want to ask him a question, like you had a pretty detailed question right then, I could try and reach him again and see if he is available, maybe we could do a conference call and you can ask him some questions about what his report would say that he didn't talk about here or how it may differ or how it is more complete. Was there another option? I think those were the two options. Am I missing one?

MS. ALIZADEH: The options are continue without the report or without a conference call.

MS. WHIRLEY: That's the third option.

MS. ALIZADEH: Or let's just wait for the report on Monday at noon, or let's get him on a conference call and see if he can explain to us what might be in his report that he didn't testify to

when he was here, or we need to have him back live and in person for you all to question him in person. I'm not suggesting any of these.

MS. WHIRLEY: Yeah, it is up to you.

MS. ALIZADEH: These are all your decisions. Sheila is the one who talked to him that's why I told her, tell him what you said.

MS. WHIRLEY: That's what he basically said.

GRAND JUROR: He said that he could tell, hit report is going to be tell us what position the body was in when he was shot.

MS. WHIRLEY: He's going to be giving an opinion is my understanding is, he wasn't there.

A That's different than what he said when he was here, so if that's the case, then I think we need to wait until we have the report.

GRAND JUROR: What he said, is a prima dona. How much time he need to do a report, a final report. Every time he says something, he change his mind, I'm sorry, but to me he's a prima dona.

MS. ALIZADEH: This discussion you should all have by yourself and off the record. Here is the thing, and this is one thing that, I wasn't part

of the call, Sheila was. I'm asking her some of these questions because I asked her, now, I'm cross-examining Sheila.

MS. WHIRLEY: Not going to happen.

MS. ALIZADEH: Is he going to say something different than what he testified to?

MS. WHIRLEY: And my understanding is, no, not necessarily different, unless that's a conclusion you may come up with. It is basically a more detailed and complete report regarding the trajectory of the bullets and the position that the body was in when it was shot.

If you all recall something different that he said when he testified, I'm not suggesting that you are, but that's, you know, for you to decide. He basically said that his report would be about his findings, I'm repeating it, this is verbatim, the trajectory of the bullets and the position of the body when he was shot. I didn't question him any further than that.

MS. ALIZADEH: So we have the evidence all set up in the room for you. First of all, do you need me to call back to answer any further questions at this time? No, okay.

Now, you all asked about the duty belt,

which we do have in evidence and you will be able to see it, but I have the photographs of it when the duty belt was seized, and it looks like this was seized by Detective , who you have already heard from.

So I will let you look at those and I'll mark the envelope that contains those photos. There are six images, Grand Jury Exhibit 107.

(Grand jury Exhibit Number 107 marked for identification.)

MS. ALIZADEH: Obviously we had some matters during the lunch hour that kind of kept me busy with things. I did try to look for that Quantico report about the gunshots that you hear. And I know I have it, I haven't had really time to search through my stuff for it. So while you are looking at evidence, I will try to lay my hands on that as well.

You want to hear the interview of before you go look at the evidence? Yes.

So, can you tell me, can I look at my little chart.

(Playing of the interview of by the FBI. The following is a transcription of that interview. The Witness will

be .)

THE FBI: Today is August 25th, 2014. Time is approximately 7:12 p.m. This is Special Agent of the FBI along with Special Agent with the FBI. We are here to talk with This is regarding the Michael Brown, the death of Michael Brown. The civil rights investigation with St. Louis Division of the FBI. We are at the offices of his attorney,

, if you could just state your name and spell it for me?

THE WITNESS: ,

.

THE FBI: If you could give me your date of birth and your address?

THE WITNESS: . Address

,

.

THE FBI: And you understand that this interview is being recorded?

THE WITNESS: Yes.

THE FBI: Are you fine with that being recorded?

THE WITNESS: Yes.

THE FBI: Okay. So we are here to talk to you today about the civil rights investigation we have regarding the death of Michael Brown. If we could just start we have here at the . Can you take a look at this map and point out to me where you think your apartment is?

THE WITNESS: Uh --

THE FBI: would be over here.

THE WITNESS: Okay, .

THE FBI: You think it was .

THE WITNESS: Yeah.

THE FBI: If you wouldn't mind just circling there and if you could kind of point out which side of the building you're on.

THE WITNESS: Would be here.

THE FBI: Okay. Can you put like a little star there? Okay.

How about initialing that too? So we can look at this later and know that it was you that marked it and exactly where it is that you are at.

Is that where you were at on August the 9th, 2014?

THE WITNESS: Yes.

THE FBI: Were you in your apartment or inside your apartment?

THE WITNESS: Inside.

THE FBI: About what time is it that you think that this has happened?

THE WITNESS: About 12:35, it is right before, about 12:35 at the earliest and the latest I give 12:45.

THE FBI: If you could tell me what you were doing that day, walk me through what happened right before and right through when you heard the shots?

THE WITNESS: I was in my room, I probably (inaudible) Before 12:35 but I know I was in the house. I never did anything that morning. I was at home all day. And I was talking at approximately 12:35, the time that I gave, I heard the shots while I was talking to my friend on Glad.

THE FBI: What is Glad?

THE WITNESS: Glad is a social app that you can download on your phone and you can have a multimedia experience through texting and video.

THE FBI: Okay. Is that on a Google phone, iPhone, what kind of phone?

THE WITNESS: Android phone, Google phones

and iPhones, I think have the access to that.

THE FBI: Okay. Your phone is what kind of phone?

THE WITNESS: Android.

THE FBI: Android, okay. So it is an app that you downloaded that you can use to video text people, regular text messaging that you type out a message, that kind of thing?

THE WITNESS: Right. It is a social app where you can talk and meet people, and you can also talk to friends, meet friends and send texts and video.

THE FBI: Who was it that you were talking to go on Glide that day?

THE WITNESS: I was talking to ,

.

THE FBI: Can you spell that for me?

THE WITNESS:

THE FBI: Do you know 's last name.

THE WITNESS: It is a name. So it is .

THE FBI: .

THE WITNESS: .

THE FBI: .

THE WITNESS: .

THE FBI: .

THE WITNESS: Yeah.

THE FBI: So you were talking with that day?

THE WITNESS: Yeah.

THE FBI: So you think about 12:35, 12:45 in that time period?

THE WITNESS: Yeah.

THE FBI: And can you tell me, what was it prior to the recording that you played for us prior to us starting this recorded interview, can you tell us what was happening before you made that recording?

THE WITNESS: In the house with me?

THE FBI: Yes.

THE WITNESS: I never left the room, I was in the room most of the time. I was laying down on my bed. Calls came in, I was just in my room. Just really have the day, you know, just not doing anything at that moment.

THE FBI: Okay.

THE WITNESS: But just in the room most of the time laying down on the bed.

THE FBI: And prior to sending the video messaging you already showed us, did you see or hear

anything prior to that relative to this case?

THE WITNESS: Just the shots that I mentioned, and three shots before.

THE FBI: You think you heard three shots before you sent the video?

THE WITNESS: About three shots.

THE FBI: Do you know how long that was before you sent the video, before you made, I'm sorry, made the video?

THE WITNESS: Maybe about, I don't know, maybe about five, six seconds maybe.

THE FBI: Okay. You heard the shots and you think you heard three shots?

THE WITNESS: Yes, it was loud.

THE FBI: Okay.

THE WITNESS: And I think, I said it to my roommate, one of us mentioned that it was very loud, and then I would need to send him a video. I didn't when somebody talking to you (inaudible.) Then I send the video, the video I heard more.

THE FBI: So about five seconds after you heard the shots you started recording the video; is that correct?

THE WITNESS: About then, yeah.

THE FBI: And then the video that you

showed us prior again to us starting this recording has you creating a video message that has both audio and video, correct?

THE WITNESS: Yes.

THE FBI: There is shots heard in that message as well?

THE WITNESS: Yes.

THE FBI: And then do you hear anything more after that, you stopped the video, did you hear any more shots afterwards?

THE WITNESS: No.

THE FBI: Was there any time during that time where you went outside of your apartment that you would have seen anything?

THE WITNESS: No, I was inside the apartment the whole time.

THE FBI: Okay. Can you give us your roommate's name as well.

THE WITNESS: Uh, .

THE FBI: Can you spell that for me?

THE WITNESS: . .

THE FBI:

THE WITNESS: Yeah. I'm sorry, , her name is , . I'm sorry about that.

THE FBI: . The , get rid of that, that's not right.

THE WITNESS: Yeah.

THE FBI: and he's your roommate there?

A She, it is a girl.

THE FBI: And she is your roommate at the apartment. Do you have any other roommates?

THE WITNESS: Along with , a couple people staying there, but you know, just at that time it was three of us.

THE FBI: Okay. was there, yourself, was there as well?

THE WITNESS: wasn't there, after she moved in, he came after.

THE FBI: He came after.

THE WITNESS: Yes.

THE FBI: Can you spell his name for me?

THE WITNESS: , .

THE FBI: How much later did he come to the apartment.

THE WITNESS: Um, after 1:00, maybe about 1:30.

THE FBI: All right. So definitely at the apartment during the time of the shooting?

THE WITNESS: He wasn't there. And then I remember him asking me is it okay to come in the doors and he eventually came.

THE FBI: Okay. I think the other piece of information that you wanted to tell us about was a video recorder that was removed, video camera that was removed. Can you tell me a little bit about that?

THE WITNESS: That came into my mind when I spoke, another eyewitness who was giving me details of the entire thing.

THE FBI: Who was that that you are talking to?

THE WITNESS: The eyewitness, was telling me that.

THE FBI: Okay. And how do you spell 's name?

THE WITNESS: It is kind of a name, I don't know how to. I think it is , , something it is .

THE FBI: Okay.

THE WITNESS: .

THE FBI: Do you know 's last name.

THE WITNESS: .

THE FBI: .

THE WITNESS: Yeah.

THE FBI: Okay. So you were talking with about this incident, the shooting of Michael Brown?

THE WITNESS: Yes.

THE FBI: And it sparked something in your head about cameras or?

THE WITNESS: Well, I was just trying to get information or details about what happened.

THE FBI: Okay.

THE WITNESS: Since I live in the community I was just curious what happened.

(inaudible.)

THE FBI: So she's the one that told you that this camera had been removed?

THE WITNESS: Yeah.

THE FBI: You didn't see the camera removed?

THE WITNESS: No.

THE FBI: Okay. Do you know which camera it was, did she tell you?

THE WITNESS: No.

THE FBI: Well, then that's something we can follow-up with her since you don't have any independent knowledge of that camera, it is

something that she has the knowledge of which camera and who removed it from where it was?

THE WITNESS: Right.

THE FBI: Was there anything else in the shooting of Michael Brown that would be helpful for us?

THE WITNESS: No, I can't think of anything.

THE FBI: I asked you before about whether you would be willing to share the video that you showed to us today, is that something you are willing to share with us?

THE WITNESS: Yes.

THE FBI: We will go ahead and have you sign a form that allows, you know, gives us authorization to take that off your phone and take a copy of that directly off your phone.

Okay. Anything else?

I don't want to get into what she told you, what you talked with her. Do you have any information, a way to contact her?

THE WITNESS: No.

THE FBI: You don't.

THE WITNESS: I mean, well, she has a sister that I talk to, so her sister.

THE FBI: What's her sister's name? Is there a cell phone number we can reach her at?

THE WITNESS: .

THE FBI: What's 's last name.

MS. WHIRLEY: I don't know her last name.

THE FBI: Okay. Do you have a number for ? s sister is the one who supposedly saw what happened?

THE WITNESS: 's sister is the one who lives in the apartment complex. .

THE FBI: Do you know where she lives at in the apartment complex?

THE WITNESS: doesn't live in apartment complex, does. Okay.

THE FBI: Again, was the one telling you about this camera?

THE WITNESS: Yeah.

THE FBI: Did you talk to, your other roommate wasn't there, but your roommate , did you talk to that roommate, did that roommate, did she see anything, was she outside?

THE WITNESS: No, she was inside.

THE FBI: She was inside.

THE WITNESS: She was inside.

THE FBI: So she may have heard something,

she was not outside to be able to see anything.

THE WITNESS: Right.

THE FBI: Okay. Again, any other questions?

Do you have s address?

THE WITNESS: No.

THE FBI: Okay. All right. The time is now 7:26, we'll go ahead and stop the recording.

(End of the recorded interview.)

MS. WHIRLEY: Is that the only thing that we're listening to?

MS. ALIZADEH: This is Kathi Alizadeh, we just played off of Grand Jury Exhibit Number 49, which is a disc, we just played a statement from , which was recorded by the FBI previously, previous to his testimony before this grand jury.

Are there any other recorded statements that I indicated to you that we have available? Just for the record's sake, as well as for y'all to know, on that list I should indicate what exhibit the statements are on. So if at any time, even during your deliberations you want to hear it, I can play it for you.

Sheila and I talked about the fact that if

you want to listen to a witness' statement on a disc where there are multiple statements, probably if you can ask us to go ahead and cue it up. We can leave the room if you want to be alone and talk while its playing, there is a lot of people's statements on there that didn't get played because they say they didn't know anything or what have you.

And then, but I will tell you statements that I did not have previously that I since have gotten. This is the statement of which was done, it is a two and a half hour statement that was done the night before he testified, and I've marked that as Grand Jury Exhibit Number 109.

This is a disc that has a statement of that was done by the FBI on September 2nd of 2014. I didn't have that previously, that's Grand Jury Exhibit 108. And a recorded statement of that was done the day before she testified for you guys and that's Grand Jury Exhibit 110.

So all of the statements that I've indicated that you have not heard you either have the transcripts for or I have them on disc for you to listen to whenever you need to, all right.

With that being said. Any other

statements you want to listen to? You just let me know.

At this point let's go ahead and take our break for y'all to take a bathroom break if you want and then reassemble here and then we will go look at the evidence in the room, is that all right? And then you guys can let us know what your decision is about 's report.

(Recess)

MS. ALIZADEH: It is November 21st, 2:47 p.m.

MS. WHIRLEY: And my understanding is you're ready to get instruction on the law so that you can begin your deliberation. You've also made a decision you asked us to check on the report, autopsy report by . I checked on it, I reported back and he said it was not ready, but he could have it ready by noon, which is on the east coast is my understanding, by noon on Monday. My understanding is you have agreed that you will wait for that report before turning in your decision; is that correct? Yes. However, you want to begin your deliberations now, correct?

(Jurors indicate yes.)

MS. WHIRLEY: We have prepared the law for

you, we have prepared the relevant statutes, and Kathi is going to grab the indictments, they are ready. We just need to bring them in here and I'll pass this around.

We have kind of reduced down the statute so that it is applicable to this case and easier to understand and read. Of course, if you have any questions along the way you can ask us by knocking on the door or ringing the bell. I guess ringing the bell would be better. And definitions that you think are applicable to the statutes.

So we're going to the statutes, and will give the foreperson the indictments and I will pick up the extras.

MS. ALIZADEH: So the indictments that we have prepared there is an indictment for murder in the first degree, a Class A felony and armed criminal action and unclassified felony, there is two copies.

There is indictment for murder in the second degree and armed criminal, two copies.

An indictment for voluntary manslaughter, a Class B felony, and armed criminal action, two copies.

An indictment for involuntary manslaughter

in the first degree and armed criminal action, two copies.

And involuntary manslaughter in the second degree and armed criminal action, two copies.

MS. WHIRLEY: The relevant statute it pretty much lays out the elements of the crimes that you have indictments for. It also has definitions that might be applicable to the crimes that are laid out in the statutes that you are looking at, it is not a statute, it is an indictment.

The standard of proof is probable cause, we did confirm that. So you guys, that is what you have been working with probable cause all along since you have been grand jurors and that doesn't change. Even though this has been a very long, arduous task going through this evidence. Your standard of proof is still probable cause. You're not here to determine guilt or not guilty, it is probable cause, is it enough to go to trial.

Now, what makes this a little bit different is that if you will look on page, the first page, it talks about assault of a law enforcement officer in the first degree. And that's part of the indictment because the officer is saying he was arresting him for assaulting him. So that's

what you would be considering in your deliberation and we have provided you with definitions of assault in the first degree, on the second page is assault in the second degree and the third degree. And then also a law enforcement officer's use of force in making an arrest. An officer can use force in making an arrest, got that laid out for you.

MS. ALIZADEH: Real quick, can I interrupt about something?

MS. WHIRLEY: Sure.

MS. ALIZADEH: Previously in the very beginning of this process I printed out a statute for you that was, the statute in Missouri for the use of force to affect an arrest.

So if you all want to get those out. What we have discovered, and we have been going along with this, doing our research, is that the statute in the State of Missouri does not comply with the case law.

This doesn't sound probably unfamiliar to you that the law is codified in a written form in books and they're called statutes, but courts' interpret those statutes. And so the statute for the use of force to affect an arrest in the State of Missouri does not comply with Missouri Supreme, I'm

sorry, United States Supreme Court cases.

And so what Sheila has come up with is a statement of the law as to when an officer can use force to affect an arrest, that does track our Missouri Statute, but also takes into consideration what the Supreme Court says, okay.

So the statute I gave you, if you want to fold that in half just so that you know don't necessarily rely on that because there is a portion of that that doesn't comply with the law. And then the thing that Sheila is giving you, that statement about use of force to affect an arrest, I don't know is that what you called it, is that the title.

MS. WHIRLEY: Law enforcement officers use of force in making an arrest, yes.

MS. ALIZADEH: That does correctly state what the law is on when an officer can use force and when he can use deadly force in affecting an arrest, okay.

I don't want you to get confused and don't rely on that copy or that print-out of the statute that I've given you a long time ago.

MS. WHIRLEY: Did you have a question?

GRAND JUROR: So we're to disregard this.

MS. ALIZADEH: It is not entirely

incorrect or inaccurate, but there is something in it that's not correct, ignore it totally.

GRAND JUROR: It is because of the federal?

MS. WHIRLEY: Of a Supreme Court case and we must follow Supreme Court of the United States. It is Tennessee v. Garner, not that that matters much to you.

GRAND JUROR: The Supreme Court, federal Supreme Court overrides Missouri statutes.

MS. ALIZADEH: As far as you need to know, just don't worry about that.

GRAND JUROR: All right.

MS. ALIZADEH: Just disregard that statute.

MS. WHIRLEY: We don't want to get into a law class.

That's that one and is that all you want to say on that?

MS. ALIZADEH: Yeah, I wanted to point that out.

MS. WHIRLEY: Use of force and defense of a person, and we've added use of force and it is actually, I'm sorry, we consider it a self-defense instruction. So the first one is self-defense as it

relates to the information that you may have heard regarding Michael Brown.

The second one is self-defense as it relates to the law enforcement officer. As you deliberate and looked at the indictment, if you have questions about definitions, again, we have provided definitions, so just refer to that sheet that you have. And then also, probable cause is the standard, but Kathi, something she added that, you know, I need to tell you unless you want to do it, I can do it.

MS. ALIZADEH: No, you do it.

MS. WHIRLEY: Is that in order to vote true bill, you also must consider whether you believe Darren Wilson, you find probable cause, that's the standard to believe that Darren Wilson committed the offense and the offenses are what is in the indictment and you must find probable cause to believe that Darren Wilson did not act in lawful self-defense, and you've got the last sheet talks about self-defense and talks about officer's use of force, because then you must also have probable cause to believe that Darren Wilson did not use lawful force in making an arrest. So you are considering self-defense and use of force in making

an arrest.

You have all the information you need in those documents that we gave you to help in your deliberation. But again, if you have additional questions, we're here, we're not going anywhere, did you have something?

GRAND JUROR: No.

MS. WHIRLEY: And that's enough to get you started and hopefully this will clarify things for you as you go through the indictments. And I think we have already talked about, you'll decide how you want to go through the indictments if you want to look at them one at a time, but you must make a decision whether it is true bill or no true bill for each indictment.

MS. ALIZADEH: And as was brought up at the very beginning of this and what we have researched and discussed, the possibility of well, what if there's, you know, five people want to indict on murder first and five people that want to indict on murder second, and two people that don't want to indict. If you have nine people that vote indict on anything, then there will be an indictment. What that indictment is we will deal with if that happens, but there was some question,

well, is it kind of like a hung jury if we all can't agree on the charge. No.

If there are nine people to vote for an indictment, regardless of what charge you are indicting on, then know that there will be an indictment and we will give you further instruction on what that indictment, what offense it will be.

And the one thing that Sheila has explained as far as what you must find and as she said, it is kind of in Missouri it is kind of, the State has to prove in a criminal trial, the State has to prove that the person did not act in lawful self-defense or did not use lawful force in making, it is kind of like we have to prove the negative.

So in this case because we are talking about probable cause, as we've discussed, you must find probable cause to believe that he committed the offense that you're considering and you must find probable cause to believe that he did not act in lawful self-defense. Not that he did, but that he did not and that you find probable cause to believe that he did not use lawful force in making the arrest.

So if you guys need clarification on that when you get down to discussing it, I can print that

out or something, you understand the difference, the distinction, okay?

GRAND JUROR: Tell us those three again, one is committed the offense?

MS. ALIZADEH: Probable cause to believe that he committed the offense, which means that he met all the elements of that offense. You remember that from your grand jury days. And you must find probable cause to believe that Darren Wilson did not act in lawful self-defense and you must find probable cause to believe that Darren Wilson did not use lawful force in making an arrest. And only if you find those things, which is kind of like finding a negative, you cannot return an indictment on anything or true bill unless you find both of those things. Because both are complete defenses to any offense and they both have been raised in his, in the evidence. So any other questions about the law?

Okay. And then just one last thing is that Sheila and I talked about making, we can't make a closing argument to you and we're not going to, but I wanted to say something and I asked Sheila if she would, if we could prepare a statement together to say and so I just wanted to first thank you. We both wanted to thank you and how difficult this has

been and the sacrifice that we know you all have family and jobs and we understand the burden it has been for you to be here for now 24 days, 25 days that you've actually been here.

We also want you to understand that your decision, whatever it is, should be based on the evidence that you heard in here and the law that we've explained to you, not based upon what the media says, not based upon public opinion, not based upon your fears, you have to base it on the evidence and the law.

And whatever that decision is, it will be the correct decision and we will stand by that 100 percent, whatever your decision is.

And then finally I wanted to say, and Sheila agrees, but we wanted to point out that if at times it seemed like in our questions we were somehow expressing our opinions either about what we think the evidence is, or about the credibility of a witness. We want you to understand as attorneys it is our job to challenge witnesses' statements and that sometimes, you know, you don't get to the truth unless you challenge a witness statement.

We have not had any particular rhyme or reason what witnesses we have taken, we have kind of

traded off just because we are sharing the workload, but if at any time you felt that we were trying to express our opinion to you, we certainly were not.

Sheila said, as attorneys either of us can argue either point effectively and well because that's what we do, but in challenging witnesses, and I know that many of you have asked challenging questions of the witnesses as well, it is up to you to determine the facts and it is up to you to determine the credibility of the witnesses that testify and don't read into anything about what you think our opinions are because really our opinions don't matter, it is up to you and what you guys think.

So with that being said, thank you, thank you very much.

MS. WHIRLEY: Thank you very much. And I just want to add, you know attorneys, they cannot stop talking. I have to have the last word. That I totally agree with that and we were trying to give you a balanced presentation of the evidence. So you might see us go back and forth because we are trying to keep it balanced for you, and get to the truth and hopefully that was accomplished.

And I think you are going to make the

right decision, I think you are very bright, I have said that since I first met you many, many months, ago it seems now. Do you work, if you need anything, we will be out here. Thank you.

MS. ALIZADEH: Now, do you want to go on record and say what time it is and that we are then leaving the room.

I know I got the last word in, didn't I.

(Grand jury starts deliberations at 3:04 p.m.)

MS. ALIZADEH: It is approximately 5:55 p.m. and we are going to recess for the evening and reconvene Monday morning at 9:00 a.m. We are waiting on the autopsy report of and we are hoping it will be here before noon Monday. So with that, we are in recess for today.

(End of Grand Jury Hearing Volume XXIV.)

State of Missouri

SS.

County of St. Louis

I, Randy R. Dunn, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions

propounded by counsel and grand jurors thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to and the answers given by said witness.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.

Randy R. Dunn RPR, CRR, CCR No. 193